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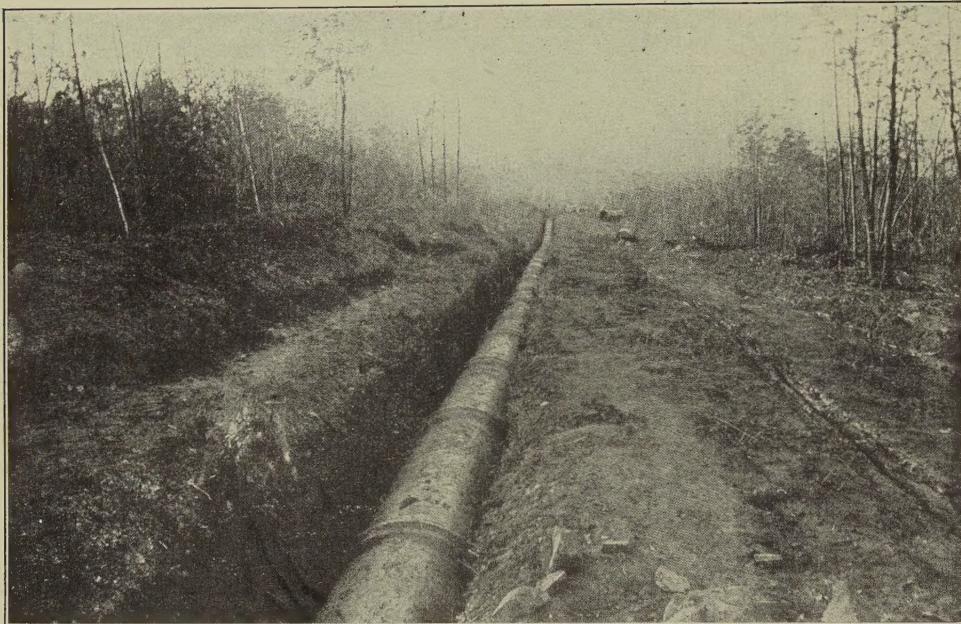
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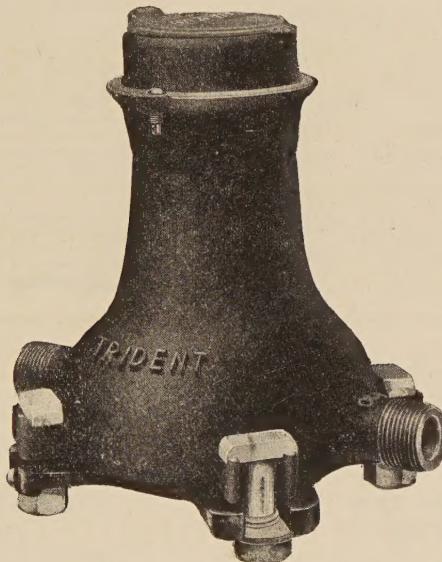
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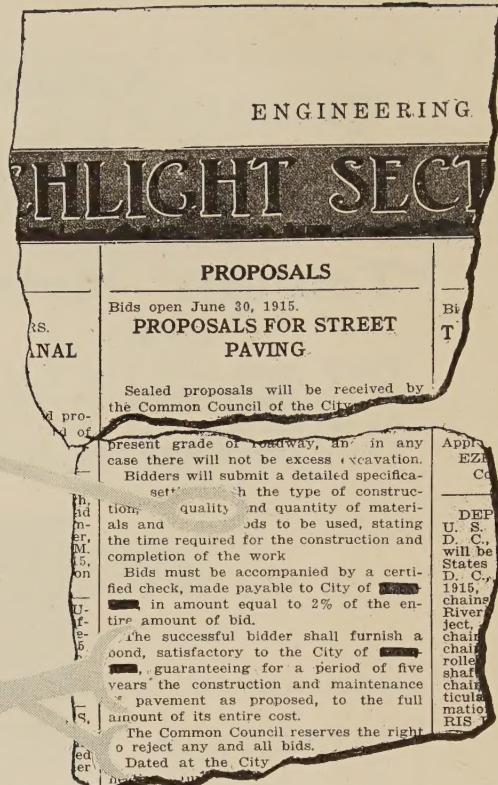
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American Municipalities

October, 1915

Vol. 30, No. 1

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

OFFICIAL BULLETIN

League of American Municipalities
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TO MUNICIPAL OFFICIALS

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COMMENT

The League of Iowa Municipalities held a most successful meeting at Council Bluffs during September.

The minutes of the convention will be published in the next issue as it was impossible for the reporter to transcribe his notes for this issue.

Municipal officials of Iowa should carefully read every paper and report in this issue as each is of the greatest importance and contains information of value to every municipal official.

Especial attention is called to the report of the legislative committee and the report of the secretary on the votes of members of the legislature.

Look over this report and see if your representative is voting for the corporations or for the people. If your representatives are wrong on municipal questions they should be asked to investigate these questions and if then they refuse to vote for the best interests of the people in the cities and towns they should not be given the support of the cities and towns.

If any official desires more information on the question of Home Rule or other questions before the legislature write the secretary and he will forward the information at once.

The annual meeting of the League of Minnesota Municipalities at Virginia promises to be a most successful one and every city and town in Minnesota should be represented at this meeting.

Make arrangements at once to be in Virginia for this meeting.

When in doubt patronize our advertisers.

If you know or think you know everything about municipal government it is not necessary to attend convention or read municipal papers; but if you think that there may be some things for you to learn then you should attend convention and read municipal magazines.

Members of the different state Leagues will find that their membership is of much greater value to them if they will write the secretary of their state League when in need of information or advice.

Minnesota Municipalities at Virginia

Third Annual Meeting, October 20 and 21

The officers of the League of Minnesota Municipalities and the local committee of Virginia have about completed arrangements for the third annual meeting of the League to be held Wednesday and Thursday, October 20 and 21.

The municipal officials of Virginia and, in fact, the entire range are very much interested in this annual convention and all the indications point to a record breaking attendance and a big meeting. The hospitality of the range is known to everyone and can find no equal anywhere in America. A part of the time of the convention will be given over to the inspection of the important public improvements and public work in these range municipalities. An automobile trip will be taken about the range and full explanation made of the different municipal undertakings that are being investigated. Mayor Mike Boylan of Virginia is a person well known to all of the municipal officials of Minnesota and those who know the mayor best are most convinced that Virginia will do all that could possibly be expected in the way of entertaining the delegates.

Much of the time of the meeting of the League will be given to consideration of the reports of various meetings but a number of well known students of municipal affairs have accepted invitations to address the convention. One of the important questions to be considered will be that of municipal ownership. Herbert S. Bigelow of the Public Power League of Cincinnati, Ohio, will present the case for municipal ownership while Mr. John H. Raemer, late chairman of the Wisconsin Railway Commission, will present the arguments against municipal ownership. Hon. Chas. E. Elmquist, commissioner of the Railroad and Warehouse Commission will present a paper on the subject "Recent Telephone Legislation in Minnesota." Mr. Stiles P. Jones of the Public Franchise League of Minneapolis will present a paper on the subject of "Model Franchises." Mr. John Wilson, chairman of the League committee on street paving will present a report based on replies to a number of

questions sent out by the committee in relation to street paving and at the same session Mr. L. R. Moyer of Montevideo will present a paper on "Park Planting for Prairie Towns".

One of the treats of the convention will be a paper on the subject "Citizen's Interest in Municipal Government" by Mr. Ford MacGregor of the Municipal Reference Bureau of the University of Wisconsin.

All the indications are that this meeting of the League of Minnesota Municipalities will be, not only the largest, but the most important and interesting of any of the meetings held by this organization and no municipal official of Minnesota can afford to miss either the hospitality of Virginia or the educational features of the convention.

Purchasing Agent Hohenstein of St. Paul backed by Mayor Powers and Comptroller Handy has started a crusade against indiscriminate buying by the different departments of that city. The purchasing agent will request that those filing request for supplies with him shall also give a statement of the purposes for which such purchase is made.

The city of Minneapolis is considering the advisability of restoring the collection of ashes in that city as this service can be done much more cheaply by the city than by individuals. City engineer Cappelan estimates that all ashes can be collected and disposed of at a cost of thirty-five thousand dollars per year and at this figure the service would cost the average Minneapolis householder less than fifty cents a year.

The Northfield memorial baths seem to be a very popular institution in that city, as at a recent meeting of the Board of Control it was reported that during the season of 1914, 2,137 boys and men and 793 women and girls had taken advantage of the bathing beach.

The city of Duluth is figuring on turning three of the public play grounds into skating rinks for the coming winter. This is a move in the right direction because there is nothing that

the children enjoy more in the winter than skating and they are entitled to have a place where they can enjoy this outdoor exercise with perfect safety.

Commissioner Fernal is now working on a plan to have all street improvements for the coming year determined at an early date and have the contracts let for the same during the coming winter or early spring on theory that lower prices can be secured during the winter months and that the work can be completed before cold weather next fall. This is a plan that every city should follow and as no possible good can be accomplished by postponing the letting of municipal contracts until late in the summer.

St. Paul is arranging to keep four of the city play grounds open all winter so that the children may have some place to go in the winter as well as during the summer months.

An exhibit of municipal progress will be one of the features of the meeting of the League of Minnesota Municipalities. The exhibit will consist largely of photographs of improvements made in various municipalities of the state during

the past year and every city and town should have at least a few photographs in the exhibit showing what they are doing in the way of municipal progress.

The village of Kinney has just completed the installation of a new pump at the waterworks that will greatly increase the efficiency of the fire department in that village. The pump has a capacity of five hundred gallons per minute and meets the requirements of the board of fire underwriters.

The Minneapolis Tribune calls attention to the fact that stands of different kinds occupy the streets and sidewalks in different parts of the city and that the city receives no revenue whatever from the same but that the adjoining property owner who in reality has no control over the street or sidewalk charges the stand owners a rental for the same. This is a condition that prevails in many cities and if stands of this nature are to be allowed to occupy the sidewalks and streets the city, and not the property owners, should receive the rent for the same. This is a condition that should be investigated in every city and town in the state.

Third Annual Convention League of Minnesota Municipalities

Virginia, October 20-21

Every Municipal Official in Minnesota is Cordially Invited to Attend
This Meeting. Arrange to be Present Both Days

M. BOYLAN
Mayor of Virginia

J. E. JENKS
President League of Minnesota Municipalities

Nebraska League News

Edited by Roscoe C. Ozman, Secretary, League of Nebraska Municipalities

Nebraska officials will find interesting and valuable information in the addresses delivered at the Iowa Municipal League convention. Upon invitation I attended the convention at Council Bluffs and therefore know.

The new electric light plant at Bloomfield has started and furnishes electricity for both lighting the city and to patrons. This new improvement at that place is an important one, and the people are greatly appreciating it.

The new electrolier lights in Central City are giving much satisfaction to the business men who were responsible for their installation. The new lights, so far as installed, have made such a good impression that it is the intention of the business men in the districts where the lights have not been placed to continue the lights for several blocks.

UNIVERSITY EXPERT CALLED

The city council of Hastings has taken up further improvement plans for the municipally owned electric light plant. Professor Hollister of the State University engineering department is to look over the municipal water and lighting plant and report needed improvements.

CITY MUSIC AT LOUP

The city council of Loup City recently made a 1-mill levy amounting to \$237, for the support of the Loup City band. The reputation of Loup City's bands in the past has been of the best, and the council felt the need of assisting, as far as possible, the newly organized band.

CITY BUYS AND SELLS

The Central Power Company has commenced work on their feeder lines out of Grand Island to Central City. The city will purchase current at the switchboard from the Central Power Company and take care of all distribution of current in Central City through the city offices.

COLLEGE VIEW

Property owners of College View at a recent meeting selected the material wanted for

the paving of the two districts in that place. Asphaltic concrete was selected for one of the districts and the other district will be paved with three-inch vertical fiber brick.

PUBLIC SUPERVISE PLAY

Plans are being laid for a public play ground for the children of Seward, the Social Welfare Society of that town having already donated to the fund and Superintendent Woodard of the public schools is heading the committee which is laying plans for this new feature. A schedule of hours for the different aged children will be arranged and competent instructors in all kinds of out-door games will be on hand to help make the play grounds a success.

HASTINGS BOOMS PAVING

Petitions were read at a recent meeting of the city council of Hastings which brought the new paving asked for on the part of the citizens up to a total of ten miles. The remarkable boom that is on in Hastings for paving promises to make that the best paved city in the entire state.

With arrangements for all-night light service, the town of Exeter is keeping pace with Geneva and other surrounding towns in the matter of street lighting.

LIGHT FOR HAVELOCK

Plans for lighting the business district of Havelock contemplate fifteen lights in three paved blocks, alternating on each side of the street. Lights will be in clusters of five each.

PARK AUTOS IN STREET

The Fremont city council has passed a traffic ordinance which requires the parking of automobiles on Main and Sixth streets in Fremont in the center of the streets. An officer is stationed on the grounds, whose duties are to notify all automobile drivers to observe the new parking rules. Omaha and Lincoln have had success in this system of caring for autos. Safety zones in Lincoln have also been added at points where passengers take the street cars.
(Continued on page 34)

Delegates Council Bluffs Meeting

Eighteenth Annual Convention, League of Iowa Municipalities

- | | |
|---|--|
| Geo. H. Otis, Monona, mayor | J. F. Cole, Oelwein, mayor |
| H. F. Johnson, Pella, mayor | Ben. P. Poor, Burlington, solicitor |
| J. W. Wilson, Pella, alderman | Wallace H. Hays, Chicago, Ill., Neptune Meter Co. |
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| Richard R. Price, Minneapolis, Minn., Sec'y
League of Minnesota Municipalities | E. C. Johnson, Fairfield, councilman |
| J. D. Glasgow, Washington, mayor | Ed Farrell, Manning, mayor |
| Alfred C. Mueller, Davenport, mayor | Murray Millikin, Chicago, Ill., National Meter Company |
| T. A. Potter, Mason City, mayor | Chas. M. Nicholson, Council Bluffs, Boyd Motor Co. |
| G. O. Gould, Mason City, commissioner | John J. Kruse, Manning, councilman |
| S. Waterman, Davenport, alderman | J. J. Strasse, Chicago, Ill., Hersey Mfg. Co. |
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| E. E. Wismer, Sumner, clerk | H. W. Blase, Alden, councilman |
| A. Harbeck, Davenport, alderman | Geo. H. Warman, Alden, councilman |
| Parley Sheldon, Ames, mayor | F. M. Kline, Tabor, mayor |
| J. W. Crowley, Davenport, Com. pub. works | C. A. Wenstrand, Shenandoah, mayor |
| Hugo Moeller, Davenport, clerk | Ellsworth Beach, Shenandoah, alderman |
| T. J. Reeves, Hawarden, clerk | A. B. Maxwell, Ames, clerk |
| Chas. W. Keniston, Hawarden, mayor | H. B. Corlett, Ames, alderman |
| Frank Mulligan, Eagle Grove, alderman | R. F. Price, Milford, alderman |
| R. W. Comstock, Eagle Grove, alderman | Carl H. Laubach, Davenport, city attorney |
| James Saul, Dubuque, mayor | N. B. Egbert, Estherville, clerk |
| B. F. Stedman, Dubuque, supt. waterworks | John Olson, Pacific Junction, mayor |
| W. F. Baker, Decorah, mayor | Richard Roberts, Red Oak, clerk |
| B. J. McKay, Decorah, alderman | W. V. Bates, Clarinda, alderman |
| J. F. Nebergall, Davenport, alderman | C. J. Swanson, Clarinda, alderman |
| F. W. Esher, La Porte City, alderman | W. H. Ahlbrecht, Tama, alderman |
| C. A. Brust, La Porte City, alderman | T. J. Beals, Earlham, councilman |
| C. A. Kessler, Oskaloosa, alderman | A. A. Smith, Sioux City, mayor |
| A. Mendenhall, Oskaloosa, alderman | Guy L. Pond, Shenandoah, councilman |
| Wm. Brehmer, Davenport, alderman | Hugh H. McCleery, Washington, councilman |
| Wm. Moeller, Davenport, alderman | Wm. Lenihan, Colfax, councilman |
| F. E. Birch, Cedar Falls, alderman | P. H. Cragan, Colfax, mayor |
| C. H. Streeter, Cedar Falls, Supt. W & L | Ed. P. Malmberg, Newton, mayor |
| W. C. Cross, Burlington, mayor | A. T. Carey, Newton, street commissioner |
| Alfred Wiesley, Burlington, councilman | Chas. Emmerling, Gladbrook, mayor |
| A. J. Sourwine, Red Oak, mayor | F. E. Blackstone, Garner, mayor |
| P. E. Black, Fairfield, clerk | W. J. Barz, Garner, councilman |
| W. R. Baker, Fairfield, councilman | Gec. Gallarno, Des Moines, state acc't dept. |
| Wm. H. Gosch, Davenport, alderman at large | Fred Davis, Reinbeck, mayor |
| Geo. F. Tucker, Clinton, councilman | R. B. Ferguson, Reinbeck, clerk |
| Chas. L. Lindholm, Davenport, alderman | Martin Tschirgi, Reinbeck, pres. Com. Club |
| J. A. M. Collins, Keokuk, councilman | |
| J. H. McNeill, Sanborn, mayor | |

J. L. Bronson, Reinbeck, alderman
 V. A. Fall, Reinbeck, councilman
 Chas. C. Mendenhall, Stuart, mayor
 H. B. Holsman, Guthrie Center, mayor
 R. M. Murray, Guthrie Center, councilman
 Seth B. Weeks, Guthrie Center, clerk
 M. J. Lockard, Boone, mayor
 Otto Hile, Boone, clerk
 E. L. Marriage, Iowa Falls, city manager
 Chas. H. Reynolds, Fort Dodge, engineer
 W. L. Tang, Fort Dodge, clerk
 H. Gehrig, Dyersville, alderman
 A. G. Gallagher, Corydon, clerk
 J. F. Ford, Fort Dodge, mayor
 G. W. Koontz, Iowa City, mayor
 D. T. Davis, Iowa City, clerk
 H. K. Davis, Philadelphia, Pa., engineer
 C. H. Smith, Fort Dodge, commissioner
 T. V. Walker, Denison, city attorney
 J. W. Stewart, La Porte City, councilman
 Chas. F. Bell, Carroll, councilman
 L. G. Meinhardt, Carroll, councilman
 Wm. Winnike, Carroll, councilman
 G. C. Beiter, Carroll, city engineer
 R. E. McDonnell, Kansas City, Mo., construction engineer
 F. H. Groves, Madrid, councilman
 C. E. Peterson, Madrid, councilman
 Adrain Cross, Perry, city clerk
 M. S. McFarland, Marshalltown, commissioner
 W. H. Steiner, Marshalltown, city engineer
 F. W. Myatt, Maquoketa, mayor
 W. C. Morden, Maquoketa, councilman
 Chas. Cipperly, Lone Tree, councilman
 C. H. Kerchner, Lone Tree, councilman
 S. A. Holcomb, Milford, councilman
 R. J. Pearse, Ames, landscape extension department I. S. C.
 J. P. Cranney, Kirkman, mayor
 E. G. Finch, Newton, clerk
 J. H. Harvey, Newton, councilman
 L. W. Miller, Guthrie Center, councilman
 T. D. Ames, Kirkman, councilman
 C. O'Leary, Newton, Supt. light, water and gas
 G. Holmes, Guthrie Center, councilman
 D. McAllister, Newton, councilman
 R. M. Hannon, Newton, councilman
 Roy Kelley, Newton, solicitor
 R. C. Thompson, Waterloo, mayor
 J. D. Burtner, Waterloo, councilman
 F. H. Burk, Waterloo, councilman
 R. L. Degon, Waterloo, auditor and clerk
 J. M. Hoyer, Waterloo, councilman
 F. W. Collins, Fort Dodge, councilman
 R. W. Wet tengal, Dunlap, clerk
 C. M. Browersox, Dunlap, councilman
 Geo. E. Taylor, Dunlap, mayor
 Fred Wet tengal, Dunlap, councilman

Michael Brennan, Dunlap, councilman
 H. W. Moeller, Denison, councilman
 Henry Albert, Iowa City, director bact. laboratory
 of state board of health, S. U. I.
 E. C. Brackney, Tabor, councilman
 L. J. Neff, Walnut, mayor
 J. H. Hayes, Denison, councilman
 Sam Middleton, Eagle Grove, clerk
 F. B. Shuffler, Pacific Junction, clerk
 R. J. Sellers, Pacific Junction, councilman
 E. L. Mendenhall, Pacific Junction, councilman
 C. C. Johnson, St. Louis, Mo., supplies
 B. O. DeBois, Lehigh, supplies
 C. M. Conway, Shenandoah, clerk
 Roscoe C. Ozman, Lincoln, Neb., Sec. League
 of Nebraska Municipalities.
 G. G. Harris, Mapleton, clerk
 D. C. Faber, Ames, industrial engineer
 Geo. G. Dunderson, Harlan, mayor
 J. H. Frederickson, Harlan, councilman
 E. E. Braden, Macedonia, mayor
 Jas. R. Hanna, Des Moines, mayor.
 Chas. E. Wilson, Perry, engineer
 H. D. Lucas, Madrid, councilman
 Mayor Snyder, officials and citizens of Council
 Bluffs.

RESOLUTION

**Unanimously Adopted at the 18th
 Annual Convention of the League
 of Iowa Municipalities**

Whereas, The question of paramount importance before the cities and towns of Iowa is the question of home rule, therefore

Resolved, That this League, in convention assembled, reiterates its position upon this great question, and it urges upon its members that they fully determine the position which all candidates of the legislature might take in the event of their election, and that, under no consideration, will they lend support to any candidate whose views are unfriendly.

Resolved, That they urge upon the individual members of this League that they give this resolution the publicity which is demanded to secure the proper recognition by the people. And be it further

Resolved, That all requests for legislation be made subservient to this one request for home rule for the municipalities of Iowa.

Address of Welcome

Hon. M. B. Snyder, Mayor of Council Bluffs

I just want to say in behalf of the people of Council Bluffs and the city officials that we are very glad to have you with us this morning, and in their behalf I want to bid you a very hearty welcome to our city.

Of course you are busy at home; you come here, no doubt, to learn something and to take something home with you to help you in your daily work; you are all busy men. The trouble is you come here and want to go home the same day; you can't see much in a day or two, you ought to stay a week with us. You come not only for help; for what information you can get, but you come for recreation. We don't know whether we can entertain you or not; we entertain sometimes and sometimes we feel that we failed in doing this. We hope that we will be able to make the time pleasant for you and show you a few things that, perhaps, you don't have in your own cities.

Before I forget it, I want to tell you about our moving pictures, we have excellent shows here—we have no cheap shows, no cheap five cent movies, but they are good, and your badges will take you into any of these places. If you have a few minutes or a half an hour to spend, drop into any of these shows and your badges are sufficient.

The commercial club here—we have a fine commercial club, as a great many of you know, are going to help us to entertain you. There are a good many places of interest in our city; we have fine residences and fine business places and they are going to take you around to see some of these places.

We are rather proud of our roads, and we are doing a good deal of road making in the last several years, and they will take you in their autos over these roads. South avenue was paved last fall, about three miles, that goes outside the city limits and a mile or two beyond, past the Deaf and Dumb Institution. Then on the north we have the White Pole road paved, and that is beyond our city limits. We are doing quite a

good deal of this paving. We have taken up the Sioux City plan, Sioux City specifications, and our engineer thinks he has even improved on those specifications, so that we think we have some of the finest concrete pavement—you might say in the world, and it is really worth looking at and paying some attention to. You all, of course, are acquainted with the Sioux City paving or heard in a way of their concrete paving, and we think we are going to have better success—we are not going to have the failures that they had in Sioux City. On some of our other streets we are doing a good deal of brick paving at the present time.

They will also take you out to our parks—we don't say a great deal about our parks—we have so many large places, but they are not improved so extensively as they are in some of the other cities. We have a gentleman here by the name of Mr. Graham, I think he has lived here continuously, I don't know, but I think seventy-five or a hundred years, during that period of time he has been looking after our parks, he has done more in getting hold of large acres of parks originally which are going to be a great and lasting benefit to our city in years to come. We have some fine improved parks. You might say we have a little park here that you can see, it becomes so common to us that we hardly know where it is. It is the finest little park that you can find in the state. We have Fairmont park, a natural park, it is well improved and it is really worth seeing, and I suppose you will be taken through it.

And then one of the things that we do think a great deal of is our city water works, this was taken over by the city several years ago—four or five years ago—and we were very fortunate in having a board appointed that really understood the business and made a great thing of our water works, and the value of the plant has probably doubled. We have a pump, the finest in the state, and no doubt you will be taken to see that. We have our disadvantage in the way of our

water plant as well as our advantage. There are a great many of our people who have to go to Louisiana to get mud baths; it used to be a few years ago under the old system that you could get a good mud bath each Saturday night. Then there is another thing on the economical side of this business, an increase in the cost of living; it used to be under the old system that we had so many fish coming through the water mains that really it was a great advantage to our city, in the way the housewives every day would collect enough fish in the sink for one meal each day. The fish weren't very large, but they had a way of taking four or five fish and sticking them together and make quite a nice fish. This great disadvantage has been overcome by our clean water. Really our water plant is a great success in every way.

Now we want you to be pretty well taken care of in this city, and of course you know we are right near Omaha, if you care to you can slip over there, we have Sunday over there now, but we have plenty to amuse here at home, so we can entertain you for a few days.

I have spoken to our chief of police, I have urged upon him to do something in the way of curtailing his police force. We have had large meetings of ministers and other people here when really our police were not seen on the street and actually shut up for several days, but he refuses to do anything of this kind. I don't know why. He thinks the city officials of other cities are just like our own, and he says he couldn't curtail the police force or place any restrictions on them, but I talked with the night captain and he has made some good promises, so I don't think you need to be afraid. Of course if you wander out at night and get out in the outskirts you are liable to find one of these blue coated men—you will understand who they are—now you needn't be afraid, they will use you right, they will take you to our city hotel, they will give you a good bed for the night, let you out in the morning, and give you a good meal, and our city hotel doesn't cost you a cent, and you don't have to register, don't even ask you to register. Now we have a traffic policeman, you know he is over here on Pearl street, and if you don't know where you want to go, just steer across and ask the traffic officer, if he doesn't understand you ask him again, and he will be sure to tell you where to go, right

off. We didn't use to have any traffic officer, I suppose some of your larger cities have and some don't, it got to be awful serious on this corner, so many automobiles and so many rigs going along and our street cars, so it got to be very serious, we were killing people there almost every day, tearing off arms, running over feet, but of course it didn't matter to us so much, they were almost all outsiders, and not people from the city, but it wasn't on that account, but it got to be a great menace to our women and children coming down the street and seeing these things going on, shocked and got to be a nervous strain, so we had to put a traffic officer on there to take care of the people, and he will take care of the people all right. As I said, he is very courteous and will give you any information you want.

I don't know as we need to say anything more this morning, we just hope you will all have a good time and look about for entertainment.

We are going to have a fine banquet for you here tomorrow night. I can't tell you all the fine things we have, if you look about, you will see plenty of amusement.

So again I bid you welcome and ask you back to our city at any time.

W. E. M'CONNELL, CHAIRMAN EXECUTIVE COMMITTEE, COMMERCIAL CLUB

I am just to add a word to the welcome of the mayor in behalf of the commercial institutions of Council Bluffs. And before I do that I want to congratulate you on being a League of Iowa Municipalities. If there is any significance in words which the Indian applies to the location of places and persons, it must surely be borne out when he applied the word of Iowa to this great state of ours, because there is no other word that describes it so well as Iowa, the beautiful land. And Iowa in our time has come to stand for a land of contended homes, highly successful schools and everything that goes with the best in life, and Iowa is doing a magnificent work not only for herself, but sending men with these ideals throughout the west and the northwest. Iowa has also come to be noted with wealth, because you know as well as I, that the people of the state of Iowa for 1914 accumulated more in wealth than those in any other state in the Union, and I think you can congratulate yourselves in being in the League of Iowa Municipalities.

We want to welcome you in the name of our commercial institutions, and I want to name two or three of them just to call your attention to them. We have in our midst one of the largest candy factories that there is in the United States, John G. Woodward & Co., and Mr. Woodward and his assistants would be very glad to see you at their factory, and will give you every courtesy, and you should really take advantage of going through this plant, it is one of the best institutions in Council Bluffs.

We also have the second largest green house in the world, I believe, right here in Council Bluffs; the Wilcox Sons, they have several acres of glass in the east Pierce Street green house, and in the one out at Manawa about a mile of glass, and Mr. Wilcox and his brothers will be very glad to welcome you there, and it is well worth your time to go.

We also have the largest independent elevator factory that there is in the United States, so I am told, the Kimball Brothers, who reach throughout the United States in all directions and it is something that we are proud of, that they are independent, and that they have the largest factory of their kind.

We also have the largest and most complete line of made to order railroad stations that there is in any city, and they are scattered from the north boundary to the south boundary of the city. It is true that we are just now concerned in trying to get rid of them and locate them in one vast and valuable edifice, and now we are going to bring this matter before you men here and see if you wont go home and spread the gospel of a union station for Council Bluffs and any other city situated as Council Bluffs is.

Now we have several institutions in our city building; one is the city clerk, Charlie Duff, who is able to hold his job whether the administration changes or not. Another is the city solicitor, Mr. Schneider, who is a very good solicitor in settling damage cases against the city. In settling a damage case recently where a man had his foot cut off, Mr. Schneider thought he was asking a little too much. "Well" he says, "We are not millionaires", "Well" the man says, "I am no centipede either". And then we have the city auditor, Mr. J. F. McAneney,

whose books are wonders of accuracy. And then we have another institution, which is the city treasurer of Council Bluffs, Mr Frank True, and ^{he is} there by virtue of our votes, and we want him to stay there, and then the peculiar thing about that city treasurer is that he has ideas of his own, particularly on railroad taxation, he has a firm belief that sixty acres used for railroad property in the heart of the city of Council Bluffs should be taxed more than the same sixty acres out here in Hardin township, and we believe he is right. It seems to us that he is right in thinking that there should be a change in railroad taxation.

I can see that there must be a great deal of good come from meetings of this kind, it gives the man in the smaller towns a chance to see what the men in the larger towns are doing, and the men in the large towns a chance to see what the man in the still larger cities are doing. I happen to be in the clothing business, and I presume it is somewhat similar with you as it is in the clothing business, that a man in Crescent City buys his clothes in Council Bluffs, and the man in Council Bluffs buys his in Omaha, and the man in Omaha buys his in Chicago, and the Chicago man buys his in New York, and the man in New York buys his in Paris, and the man in Paris goes right to hell. Now then you may not agree in regard to the man from Paris but it is absolutely determined, you know, because you see the men from Paris go to war and General Sherman has fixed the status of war for all time to come. I am not prepared to state in regard to the men going to the larger places. I am glad to see that there are so many to stand up for their locality, we wont have to go far back into history to find a record of a man who first stood up for his town, but I am not going to worry you. But we find that Paul was standing before the committee, they said "Paul who are you and where did you come from", and Paul answered, "I am a Jew from Tarsus."

In behalf of the commercial institutions and the thirty-two thousand population of Council Bluffs we bid you a hearty and cordial welcome and hope your stay here will be pleasant and profitable, and again we bid you a hearty welcome.

President Sheldon's Annual Address

Eighteenth Annual Meeting Before League of Iowa Municipalities

To the city of Council Bluffs and to its mayor and city officials and Mr. McConnell of the commercial club we express our highest appreciation of this cordial welcome extended by the parties representing these institutions. In selecting the city of Council Bluffs as the meeting place for 1915, it was with a knowledge of what the city of Council Bluffs was able to do in the way of caring for their visitors. We had been here before on several occasions and we were highly entertained and appreciated the courtesy extended to us to such an extent that selecting the meeting place in Council Bluffs for 1915, at our last meeting was almost unanimous. And it is my pleasure to express to you our appreciation of this welcome extended to us. There was a time when there was some question about the water supply, but in the years past we came without any great degree of anxiety of what the result might be in the use of water. In fact we were not compelled to use very much of it, but we are glad to know that the improvement has been made here in the water supply at Council Bluffs; the possibility is that the time is coming when we will be forced to use more of it.

We feel that we are fortunate in meeting with you at this time under these conditions. Now as to the commercial interests of Council Bluffs, there is no question about the aggressiveness of the commercial interests. I take it that you have in your line of commercial interests as up to date methods as the average real estate dealer has in his own behalf. It has called to my mind an incident that was reported regarding the allotment of property adjacent to Council Bluffs, which goes to point out that the real estate dealer is progressive as well as the commercial men in other lines. Word came to the real estate agents of a party who was reputed to have considerable of this world's goods, and it occurred to them that it would be a fine opportunity to interest him in some of their suburban property, and they took him in the automobile and drove out in the country and showed him

the property and told him what the advantages were, and that it was better than anything they had to offer in that locality, and their conclusion was that they had made a favorable impression, although he didn't seem to say so, and they started on the return trip expecting to land him in Council Bluffs where they picked him up. When they had gotten a half or two-thirds of the way down, they came very near to some farm buildings, and he says, "Just excuse me, but I just suggest you let me out here, this is my farm here we are passing". So I take it that these interests are all looked after in Council Bluffs.

As I said in the beginning we heartily appreciate this welcome that is extended to us, and we hope to profit by our meeting here, and we appreciate highly the good words that have been said and this welcome that has been tendered. On the part of the delegates I express to you a high appreciation of the words of welcome delivered by these parties.

I confess now, at the beginning of this meeting, that I take pride in facing this conference of municipal delegates, and pride in being the moderator over its deliberations, for I know that we are in session here with the view and ambition and determination to add to the weal of Iowa's municipalities, thereby lending aid along lines of prosperity to all territory contiguous to our cities and towns.

We are congregated to discuss municipal affairs and the conflicting interests that are continually arising as between officials, tax payers and the state's laws. I hope that our efforts in that direction may meet with satisfactory success.

We all believe that it is a city's business to protect and safe-guard all the people who dwell within its limits in the enjoyment of life and good health and prosperity, and that it is the duty of city officials, in so far as state laws and environment permit, to successfully carry on that business.

Through these League meetings we have a good opportunity to confer and to get ideas

one from another, and to learn new ways to do things that have a bearing upon our part in making an ideal city, and I wonder that the attendance upon them is not taken advantage of by every municipal official in the state.

We may feel that by meeting here we are doing our part towards making the city beautiful, a city of health, happiness and prosperity, but we must not forget that we have an interest in those "higher-ups" who enact the statutes from which municipalities derive all their powers. We must bow always to constitutional and statutory laws.

We all know and we are in accord, as to what laws we want, and the one law we need above all others is the home rule law. There is no good reason why we should not have it. Through the efforts and recommendations of Honorable Alfred C. Mueller, mayor of Davenport, Mayor Hanna of Des Moines and other members of the Home Rule committee, a bill was reported to the legislative committee of the League, and was by that committee approved and introduced for passage in the legislature, but failed to pass the upper branch of the legislature by one vote only, and nearly passed the house of representatives. I recommend that we put forth renewed efforts for the final passage of such a measure.

Every town and city has ordinances and environments that need cultivating or curing. "Sauce for the goose is not sauce for the gander" in so far as applies to municipalities. More pat and appropriate would be the old quotation, "What is one man's meat is another man's poison," hence a home rule law is and should be our slogan, the motto on our pennant.

We all want a show for our white alley, and we all want to take advantage of our environment and natural opportunities, therefore home rule will suit and does suit all localities where it is in force and effect, and its principles applied, and no hardship has been entailed upon any town or city by its workings and local application.

Home rule being what we want, it is then one of our duties to look to the "higher ups", and further to look them up among the fields of candidates and to pick them when they are ripe for our use.

I may be digressing, but I really want to say, I do not believe that the people of any Iowa municipality take pleasure in seeing another

municipality handicapped by lack of public spirit in its citizenship. Commercial business is the principal asset of any town or city.

Municipally owned lighting plants are universally good property, and have so proved wherever in use and given proper management.

Why not a municipally owned heating plant operated in connection with a municipally owned light and water plant? They prove paying investments for "franchise owners". If these plants will save the individual tax payer money his property will take on an increment in value, and that is encouraging at all times and under all circumstances.

Certain it is, that there are many ways to build up a town or city, and one of the first aids, which is considered a good one by enthusiastic builders, is to make your town or city an unpleasant place for drones, fault finders and knockers to live in, and to make it pleasant for the high builders and honey gatherers.

I also desire to call attention to a matter that we should not lose sight of, and that is the damage suits inflicted upon cities and towns through and by the sidewalk route. These suits are expensive, and generally instituted with the hope of settlement out of court. Recklessness or contributory negligence on the part of those injured is quite generally the cause of damaged individuals, but suit is instituted by attorneys who are entirely familiar with the laws governing such cases, and all because an old time supreme court of this state once opined that cities and towns were liable for injuries sustained by and through sidewalk accidents. Other supreme courts of nearly, if not quite all of the other states, have decided differently.

If it be supreme court ethics that its opinion cannot and must not be reversed, there are some of us, among we the people, who are of the opinion that the law or laws under which such suits are instituted, be regulated by and through our law-making bodies into innocuous disuetude.

Home rule and "higher-ups" must be considered. All our cities and towns want good, clean and well kept streets, all want sanitary sewers, all want safe sidewalks, all want clean alleys, and all want pure water and plenty of it, which will be an absolute necessity when the acts of the last legislature go into force and effect.

All want reliable and satisfactory lighting

and the demand for such facilities comes not only from the tax payers, but from the non-tax paying people who abide with us. How best are city councils and city officials to provide them? Not by any state commission plan, I

hope. I believe that we prefer that the people, through home rule laws, say how it shall be done; and, before our conference closes, perhaps we can take the first step in that direction.

Report of Secretary-Treasurer

League of Iowa Municipalities, Frank G. Pierce, Marshalltown, Secretary

Again the representatives of the cities and towns of Iowa assemble, to check up the endeavors of a year and to confer as to ways and means of improving municipal conditions and advancing the welfare of the people who live in the municipalities of the great state of Iowa. The past year has been a most successful one for our organization. We have accomplished a vast amount of good in legislative matters and have been able to assist the cities and towns of Iowa by advice and information to a much greater extent than ever before. We may well consider our past with pride, and look with confidence to the future, being assured that the League will become even a greater power for good as the years go by.

That the League of Iowa Municipalities is a great power for good no one will deny. From year to year the League has become more and more the accepted representative of the best thought in the municipal affairs in the state. We have been able to secure this high position of influence because we have consistently held to those high ideals on which the League was founded some eighteen years ago. At no time during this long period has selfish interests or desires had a place in our deliberations, and I am confident that this same spirit will mark the deliberations of this and future meetings. It is indeed a privilege to be secretary of an organization that has but one mission, and that a most unselfish one, the welfare of the people who live in the cities and towns.

The work of the legislative committee and other committees of the League will be reported fully to this convention by the different chairmen but there are a few matters that I desire to submit to you including a report of the financial affairs for the past year.

FINANCES

In consequence of the increase in dues a year ago of from five to ten dollars a year for the small towns, a number of these dropped their membership, but this loss has already been almost made up by new members. Even with a less membership we are in better shape to carry on our work because our income is more and the current expenses are less. As the towns become accustomed to the dues of ten dollars a year they will come back in, and we will then have the necessary means to carry on our work to the very best advantage. When it is considered that we are in a position to give the small towns legal advice on any municipal question, information in regard to paving, sewers, water-works, lighting plants and all other municipal endeavors and to furnish them with copies of ordinances that comply with the state law and all this free, it must be admitted by all that this service is worth ten dollars a year to any town, however small. I am very sure that within the next year or two that the action of the League in increasing the dues of the small towns will be more than justified. As it was, on September 1, 1915, we had four hundred and six members in good standing.

During the year from September 1, 1914 to September 1, 1915, the total income of the League amounted to \$4545.91.

The total amount paid out during the past year amounted to \$4525.02 divided as follows:	
Official Publication.....	\$2469.25
Membership.....	154.18
Convention.....	90.75
Legislative.....	359.64
Secretary's Salary.....	1200.00
Secretary's Office.....	232.19
	\$4525.02
Balance on hand September 1, 1915,	\$20.89

Following is an itemized statement of receipts and disbursements:

RECEIPTS

Cash on hand.....	\$115 91	Akron.....	10 00
Lohrville.....	10 00	Dana.....	10 00
Cedar Falls.....	30 00	Gowrie.....	10 00
Davenport.....	50 00	Baldwin.....	10 00
Maxwell.....	10 00	Winthrop.....	10 00
N. English.....	10 00	Dyersville.....	10 00
West Side.....	10 00	Renwick.....	10 00
Dike.....	10 00	Winfield.....	10 00
Danbury.....	10 00	Walnut.....	10 00
Everly.....	10 00	Fairfield.....	20 00
Ashton.....	10 00	Rock Valley.....	30 00
Cherokee.....	20 00	Ft. Madison.....	10 00
Preston.....	10 00	New Vienna.....	10 00
Mapleton.....	10 00	West Liberty.....	10 00
Alden.....	10 00	Prairie City.....	10 00
Liscomb.....	10 00	Knierim.....	10 00
New London.....	10 00	Nevada.....	20 00
Red Oak.....	20 00	Rockwell City.....	10 00
Dubuque.....	50 00	Council Bluffs....	40 00
Burlington.....	40 00	Paullina.....	10 00
Rhodes.....	10 00	Alta.....	10 00
Albia.....	20 00	Shelby.....	10 00
Swea City.....	10 00	Livermore.....	10 00
Bennett.....	10 00	Mason City.....	40 00
Belmond.....	10 00	Oakville.....	10 00
Marcus.....	10 00	Low Moor.....	10 00
Northwood.....	10 00	Eagle Grove.....	20 00
Postville.....	10 00	Riverton.....	10 00
Hawarden.....	20 00	Holstein.....	10 00
Odebolt.....	10 00	Ricketts.....	10 00
Modale.....	10 00	Dow City.....	10 00
Orange City.....	10 00	Onslow.....	10 00
Elliott.....	10 00	Elgin.....	10 00
Arlington.....	10 00	Humboldt.....	10 00
Pacific Junction...	10 00	Kiron.....	10 00
Elma.....	10 00	Mechanicsville....	10 00
Mt. Vernon.....	10 00	New Hampton....	10 00
Germania.....	10 00	Dunlap.....	10 00
Randolph.....	10 00	Winterset.....	20 00
Harlan.....	20 00	Corwith.....	10 00
Neola.....	10 00	Hull.....	10 00
Guthrie Center...	10 00	Avoca.....	10 00
Magnolia.....	10 00	Meservéy.....	10 00
Baxter.....	10 00	Fontanelle.....	10 00
Spirit Lake.....	10 00	Earlham.....	10 00
Cambridge.....	10 00	Morning Sun.....	10 00
Washington.....	20 00	Alton.....	10 00
Webster City....	30 00	Denison.....	20 00
Charter Oak.....	10 00	Keystone.....	10 00
Ossian.....	10 00	Rock Rapids....	20 00
Woodbine.....	10 00	Correctionville....	10 00
Oxford.....	10 00	Harris.....	10 00
Lacona.....	10 00	Manning.....	10 00
Farmington.....	10 00	West Point.....	10 00
Elberbon.....	10 00	Garner.....	10 00
Nashua.....	10 00	Mt. Pleasant.....	20 00
McGregor.....	10 00	Oskaloosa.....	30 00

Blue Grass.....	10 00	Monona.....	10 00
Delmar.....	10 00	Traer.....	10 00
Larchwood.....	10 00	Waukee.....	10 00
Williams.....	10 00	Colfax.....	20 00
Tipton.....	20 00	Boyden.....	10 00
Olds.....	10 00	Minden.....	10 00
Thompson.....	10 00	Donnellson.....	10 00
Bonaparte.....	10 00	Calumet.....	10 00
Pomeroy.....	10 00	Delta.....	10 00
Essex.....	10 00	Schaller.....	10 00
Villisca.....	20 00	Melvin.....	10 00
Plainfield.....	10 00	Grundy Center....	10 00
Monticello.....	20 00	Clermont.....	10 00
Union.....	10 00	Melbourne.....	10 00
Milford.....	10 00	Davis City.....	10 00
Coggon.....	10 00	Leon.....	10 00
Boone.....	40 00	Wapello.....	10 00
Numa.....	10 00	Wheatland.....	10 00
Lehigh.....	10 00	Durant.....	10 00
Newton.....	20 00	Keokuk.....	40 00
Lowden.....	10 00	Panora.....	10 00
Perry.....	20 00	Colesburg.....	10 00
Sanborn.....	10 00	Kenwood Park....	5 00
Huxley.....	10 00	Bettendorf.....	10 00
Bellevue.....	10 00	Marshalltown....	40 00
De Witt.....	10 00	Marion.....	20 00
Badger.....	10 00	Dunkerton.....	10 00
Roland.....	10 00	Reinbeck.....	10 00
Carroll.....	20 00	Manson.....	10 00
Kimballton.....	10 00	What Cheer.....	10 00
Cascade.....	10 00	Oxford Junction..	10 00
Arcadia.....	10 00	Vail.....	10 00
Bagley.....	10 00	Le Mars.....	20 00
Knoxville.....	20 00	Lone Tree.....	10 00
Grand Mound....	10 00	Lake View.....	5 00
Plymouth.....	10 00	Zwingle.....	10 00
Tripoli.....	10 00	Storm Lake.....	20 00
Adel.....	10 00	Pella.....	20 00
Hospers.....	10 00	Galva.....	10 00
Remsen.....	10 00	Gladbrook.....	10 00
Templeton.....	10 00	Readlyn.....	10 00
Clarinda.....	20 00	Eldridge.....	10 00
Lake Mills.....	10 00	Colo.....	10 00
Bancroft.....	10 00	Altoona.....	5 00
Malvern.....	10 00	Dumont.....	10 00
Stanhope.....	10 00	Norway.....	10 00
Wesley.....	10 00	Waverly.....	20 00
Underwood.....	10 00	Mt. Union.....	10 00
Ida Grove.....	10 00	Hubbard.....	10 00
Walcott.....	10 00	Gravity.....	10 00
Ayrshire.....	10 00	Conrad.....	10 00
Humeston.....	10 00	Iowa City.....	40 00
Lorimor.....	10 00	Collins.....	10 00
Eldora.....	10 00	Panama.....	10 00
Sheldon.....	20 00	Center Junction..	10 00
Olin.....	10 00	West Branch....	10 00
Sioux Center....	10 00	Guttenburg.....	10 00
Hamburg.....	10 00	Garber.....	10 00
Schleswig.....	10 00	Spillville.....	10 00
Britt.....	10 00	Estherville.....	20 00
Stanton.....	10 00	Sioux City.....	50 00

Madrid.....	10 00	Westgate.....	10 00	Ocheyedan.....	10 00	Albert City.....	10 00
Farley.....	10 00	Story City.....	10 00	Brighton.....	10 00	Woodward.....	10 00
Rowan.....	10 00	Anthon.....	10 00	New Sharon.....	10 00	Mediapolis.....	10 00
Lake Park.....	10 00	Bloomfield.....	20 00				
Ames.....	20 00	Ft. Dodge.....	40 00				
Iowa Falls.....	20 00	Whittemore.....	5 00				
Kelley.....	10 00	Fonda.....	10 00	Sept. 2 A. G. Johnson, P. M. 1,000 2c			
Waterloo.....	40 00	Alexander.....	10 00	envelopes.....		\$ 21 36	
Coin.....	10 00	Oelwein.....	30 00	Sept. 2 A. G. Johnson, P. M. 2,000 1c			
Jamaica.....	10 00	Epworth.....	10 00	envelopes.....		20 00	
Coon Rapids.....	10 00	Lamoni.....	10 00	Sept. 10 Robt Fye, clerk convention....		7 00	
N. Mc Gregor.....	10 00	Silver City.....	10 00	Sept. 10 Burlington Hotel, convention..		20 85	
Clemons.....	10 00	Gilmore City.....	10 00	Sept. 12 Geo. Gallarno, checking books		13 73	
Thurman.....	10 00	Letts.....	5 00	Sept. 16 T. Maloney, exp. convention..		27 56	
Ruthven.....	10 00	Goldfield.....	10 00	Sept. 16 Municipal Pub. Co. Am. Mun.	1,015 35		
Armstrong.....	10 00	Maynard.....	10 00	Sept. 22 H. B. Miller, printing		71 60	
Montrose.....	10 00	Stuart.....	10 00	Sept. 26 F. G. Pierce, salary Sept.....		100 00	
Wall Lake.....	5 00	Chatsworth.....	10 00	Oct. 6 Municipal Pub. Co., Am. Mun.			
Lu Verne.....	10 00	Janesville.....	10 00	October		173 55	
Dayton.....	10 00	Maurice.....	10 00	Oct. 7 H. B. Miller, printing		15 35	
Earlville.....	5 00	Ollie.....	10 00	Oct. 8 C. M. Wyth, exp. ex. com....		5 50	
Dedham.....	5 00	Mc Intire.....	10 00	Oct. 8 J. F. Ford, exp. ex. com....		7 50	
Griswold.....	10 00	Bussey.....	5 00	Oct. 8 R. C. Thompson, exp. ex. com.		4 74	
Independence.....	20 00	Harpers Ferry.....	5 00	Oct. 8 J. D. Glasgow, exp. ex. com...		8 51	
New Hartford...	5 00	Spencer.....	20 00	Oct. 8 F. G. Pierce, exp. ex. com....		8 51	
Garwin.....	5 00	Hudson.....	5 00	Oct. 29 A. G. Johnson, P. M. 2,000 2c			
Cresco.....	20 00	Pleasanton.....	5 00	envelopes		42 72	
Orient.....	10 00	Clarion.....	20 00	Oct. 31 F. G. Pierce, salary Oct.....		100 00	
Leon.....	10 00	Anamosa.....	15 00	Nov. 1 Municipal Pub. Co. Am. Mun.			
Missouri Valley...	20 00	New Albion.....	5 00	November		173 55	
Cromwell.....	10 00	Kinross.....	10 00	Nov. 4 J. D. Glasgow, ex. leg. com...		100 00	
Farmersburg.....	10 00	Klemme.....	10 00	Nov. 7 H. B. Miller, printing		43 85	
Sutherland.....	10 00	Creston.....	30 00	Nov. 30 F. G. Pierce, salary November		100 00	
Miles.....	10 00	Shell Rock.....	10 00	Dec. 3 Municipal Pub. Co., Am. Mun.			
West Bend.....	10 00	Walker.....	10 00	November		163 55	
Clarence.....	10 00	Farragut.....	5 00	Dec. 11 F. G. Pierce, leg. com.....		12 36	
Sheffield.....	10 00	Elkader.....	10 00	Dec. 31 F. G. Pierce, salary Dec.		100 00	
Sergeant Bluff...	10 00	Columbus Junction	10 00	Jan. 6 Municipal Pub. Co. Am. Mun.			
Lost Nation.....	5 00	Grand Junction...	10 00	January		163 55	
Clinton.....	40 00	Ackley.....	5 00	Jan. 23 F. G. Pierce, legislature		25 86	
Early.....	10 00	Kanawha.....	10 00	Feb. 1 A. R. Hatton, legislature		92 92	
Bristow.....	10 00	Kirkman.....	5 00	Mch. 1 F. G. Pierce, legislature		44 94	
Buckeye.....	5 00	Earling.....	5 00	Mch. 1 F. G. Pierce, salary Jan.....		100 00	
Brighton.....	5 00	Corydon.....	5 00	Mch. 15 A. G. Johnson, P. M. 2000, 2c			
Buffalo.....	5 00	Kirkville.....	5 00	envelopes		42 72	
St. Ansgar.....	5 00	George.....	5 00	Mch. 22 F. G. Pierce, salary Feb.		100 00	
Rome.....	5 00	Ottumwa.....	5 00	April 3 F. G. Pierce, legislature		48 80	
Russell.....	10 00	Birmingham.....	5 00	April 10 F. G. Pierce, salary March....		100 00	
Luana.....	5 00	Blairstown.....	5 00	April 27 A. G. Johnson, P. M. 1200, 1c			
Exline.....	5 00	Goose Lake.....	5 00	envelopes		13 30	
Castana.....	10 00	Moneta.....	10 00	April 29 A. G. Johnson P. M. 100 double			
Hardy.....	10 00	Sioux Rapids.....	5 00	post cards :		20 00	
Des Moines.....	60 00	Logan.....	5 00	May 4 F. G. Pierce, salary April.....		100 00	
Fredricksburg...	10 00	Charles City.....	5 00	May 11 Acme Printing Co., printing....		3 00	
Packwood.....	10 00	Bedford.....	10 00	May 17 Municipal Pub. Co., Am. Mun.			
Green Island.....	10 00	Braddyville.....	10 00	February		158 40	
Minburn.....	10 00	Toledo.....	10 00	June 11 F. G. Pierce, $\frac{1}{2}$ May salary....		50 00	
Le Claire.....	10 00	Scranton.....	10 00	June 7 F. G. Pierce, balance May salary		50 00	
McCallsburg.....	10 00	Brayton.....	10 00	June 21 F. G. Pierce, current exp....		10 01	
Churdan.....	10 00	Worthington.....	10 00	June 24 A. G. Johnson, P. M. 2,000 1c			
Morrison.....	10 00	Algona.....	20 00	envelopes		23 12	

July 27	A. G. Johnson, P. M. 2,000 1c envelopes	22 16
Aug. 16	A. G. Johnson, P. M. 1,000 2c envelopes	21 36
Aug. 16	Municipal Pub. Co., Am. Mun. March, April, May, June	621 30
Aug. 16	F. G. Pierce, salary June, July and August.....	300 00
Aug. 28	F. G. Pierce, sundry expenses.	56 44
Received		<hr/>
Paid out		\$4545 91
On hand		\$4525 02
		<hr/>
	On hand	\$ 20 89

DISTRICT CONVENTIONS

Your officers have for several years believed that some way should be devised whereby more municipal officials might receive the benefits of our convention. The state of Iowa is a pretty large territory and many municipalities, especially the smaller ones, do not feel that they can afford the expense of sending delegates several hundred miles to attend the state conventions. If some way can be devised whereby the officials of every city and town in the state may know by actual attendance of a convention, the work the League is doing and the services it can render, every municipality in the state would, without doubt, become a member of our organization and this is as it should be, because the League and those cities and towns that support the League are entitled to the moral and financial support of every city and town, large or small, in the state. This question has been up at a number of informal conferences and at meetings of different committees and the best plan that has been suggested is to divide the state into a number of districts, and hold a one day convention in each district each year, making a special effort to have all of the municipal officials in that district attend this one day meeting. It would be better to make new districts than to take the present congressional districts, because in many cases the railroad facilities are not of the best and some of the congressional districts are too large. In creating districts the railroad facilities should be taken into consideration and those cities with good railroad connections could be placed in the same district. Then the district could be made small enough so that no one would be required to go any great distance to attend the meetings. If this suggestion meets with your approval I advise that a committee of at least five be appointed, representing the different parts of the state, for the

purpose of reporting to this convention a list of districts.

MEMBERSHIP

The League has not, in the past, been in close touch or had the co-operation of the numerous municipal boards, such as water boards, park boards and library trustees. The city government as embodied in the mayor and council and appointive officers, is the body that now holds membership in the League. These other semi-independent boards have important municipal duties to perform and in some cases have absolute control over the tax levies for their respective department and in my judgment it would be much better for the League to have the active co-operation and support of these boards. Some plan might possibly be devised whereby these boards could become members of the organization with dues of, ten dollars a year, and with all the powers of any other members, or an associate membership might be created for them. In any event I think that this meeting should give this subject its careful consideration and take such action as in the judgment of the majority will best forward the interests of the League.

LEGISLATURE

At a convention held in this city of Council Bluffs some ten years ago considerable discussion was had as to the advisability of the League taking an active part in legislative, political and other questions that might also affect others as well as the cities and towns. Some of the delegates were fearful that such a plan would antagonize the farmers and that it would result in a contest between the farmers and the municipalities, in which the municipalities would be the sufferers. The League has on several occasions since then, however, taken a definite stand on questions of this nature and in my judgment our activities in this line has given the League a better standing in the state than any other of our various activities.

The League has consistently opposed the creation of a state utility commission and through its efforts has been able to defeat in three legislatures the creation of such a body. All of the corporations of the state were in favor of such action and brought all their influence to bear to bring it about and the fact that the League made the fight against such action and was able to convince a majority of the members of the

legislature that such a commission would not be to the best interests of the people of the state, has given the League a standing that could not have been secured in any other way. It is interesting to note, that at this time the better class of public utilities, that is those utilities that are giving good service at a reasonable cost, have in the past year or so come to the conclusion that a public service commission would be of no particular advantage to them. About the only utility companies that are now actively favoring a state utility commission are those who desire to be protected in spite of the fact that they are not giving good service and those who desire a perpetual, exclusive franchise. It has been the policy of this state for a great many years to prohibit the granting of exclusive or perpetual franchises and in my judgment the agitation for a state utility commission has seen its best days in Iowa.

By taking up the equalization of the assessment of property in the state with the executive council and asking that the railroads and farm properties be assessed on the same basis as property in the municipalities, in order that the people in the cities and towns would pay no more toward the state and county expenses than the railroads and people in the country, we have been able to greatly increase the valuation of both the railroads and the farms. It was thought that this action would cause a feeling of resentment on the part of the farmers, and for a brief time it did seem to do so in a few places but it is now generally accepted that the action of the League in this matter of taxation was the direct cause of bringing about a great reform in the matter of equalization of the assessment of property by the executive council of the state. The fact that this action did not injure the League or antagonize the farmers, is amply demonstrated by the votes in the past legislature. Many of the best friends the cities and towns had in that legislature were the farmers. So long as we only ask for fair treatment and base our requests on the right, we need have no fear of the Iowa farmer, as there is no where a more intelligent or fair minded class of people than those who till the fertile hills and valleys of this state. So long as we are in the right we can count on the support of the Iowa farmer.

POLITICAL ISSUES

Municipal officials and all those who are interested in the many important questions that now confront the cities and towns must not lose sight of the great questions in which the cities and towns are interested when candidates for governor, lieutenant governor and members of the legislature are to be nominated next summer. It is a surprising fact that few of the newspapers of the state give any attention to these questions. In reading the state papers it would seem that the great question in Iowa is the liquor question. In fact the liquor question is a settled question. When a candidate asks you for your support next spring, find out if he is for the corporations or for the people, if he is in favor of local government or government by state commissions, if he is in favor of giving the cities and towns an opportunity to solve their problems or if he insists on the members of the legislature passing on questions of municipal policy of which they know little or nothing. These are the questions in which we as municipal officials are interested and the ones on which we should base our decision to support candidates.

It is well for us to know how members of the legislature stand on these questions. As a test of the house members in the past legislature, I have taken three questions of interest to all the cities and towns. First the bill granting municipalities a greater amount of local self government, second the bill providing for physical connection of telephones, and third the amendment to the road bill to give the municipalities a share of the automobile. The first two bills were favored by the League and opposed by the corporations while the last was a proposition so eminently fair that the only argument against it was that the country districts did not wish to give up something that they now had, but to which they were not entitled.

The vote on these propositions was as follows: Column A, local government bill H. J. 682. Column B, physical connection bill H. J. 1942. Column C amendment to road bill H. J. 983.

Name	A	B	C
Anderson of Greene.....	F	A	A
Anderson of Montgomery.....	F	A	A
Anderson of Winnebago	A	F	A
Anderson of Davis	A	F	F
Bailey	F	F	F

Ball	A	F	F	Neff.....	O	F	F
Barry	A	A	F	Nicholson.....	A	A	A
Bauman.....	A	F	F	Nordyke.....	A	A	O
Becker..	O	F	F	Oldenburg.....	A	F	F
Bingham.....	A	F	A	Petersen	A	F	F
Brady	A	A	A	Pitt	F	O	F
Brammer.....	A	A	F	Purdy	O	O	A
Bronson	F	F	F	Rayburn	F	A	F
Bruce	A	A	F	Rees.....	A	A	F
Buxton.....	A	F	A	Reese	A	A	F
Clark	A	F	F	Richards	F	O	F
Coakley.....	A	F	F	Ring	F	A	F
Coast	F	O	F	Roberts	O	F	F
Cochrane	O	F	F	Rogers	F	F	F
Craven.....	A	F	F	Rone	A	F	A
Crozier.....	A	F	F	Rowles	A	F	F
Darrah.....	F	A	A	Sawyer	F	O	F
Doze	A	F	F	Schmedika	A	F	F
Durant.....	A	A	A	Shaffer	A	F	F
Eggleston	A	F	F	Shortess	F	F	A
Elwood	F	O	A	Slaught	F	O	A
Freeman.....	F	F	F	Smith	A	A	F
Garton	A	A	F	Spotts	F	F	F
Gilbert.....	A	A	A	Steelsmith	F	F	A
Gilmore.....	A	F	A	Stokes	A	F	F
Grason.....	F	A	O	Stone	A	A	A
Gray.....	O	A	A	Sullivan	A	F	A
Greene.....	A	A	A	Swain	A	A	A
Griffin.....	F	A	F	Swenson	F	F	F
Hadley.....	A	A	F	Taylor	A	A	O
Hale	A	F	A	Thompson	A	F	F
Hall.....	A	F	F	Tucker	F	F	F
Helming.....	O	F	F	Turner	F	F	F
Herman.....	A	A	A	Wayman	A	A	F
Holbert.....	A	O	A	Wenstrand	F	A	F
Horchem.....	O	O	O	Wigdahl	A	A	A
Ingwersen.....	F	A	F	Wilson of Cherokee	A	F	F
Jamison.....	O	F	F	Wilson of Louisa	F	F	A
Jessen.....	O	O	A	Wilson of Mahaska	A	O	F
Johnson of Humboldt.....	A	O	F	Wilson of Mitchel	A	O	F
Johnson of Lucas.....	F	F	F	Witthauer	A	F	F
Jones of Cerro Gordo.....	A	A	A	Speaker Atkinson	A	A	A
Jones of Dickinson.....	F	F	A				
Kane.....	O	O	F	The members voting right on all three propositions were the following; Bailey, Bronson, Freeman, Johnston of Lucas, Michael, Miller, Rogers, Spotts, Swensen, Tucker, and Turner.			
Kelso.....	O	A	F				
Kepple.....	A	F	A				
Kimberly.....	F	O	F				
Klinker	F	A	A				
Kopp	O	F	F				
Lee	A	A	A	Those voting right on two propositions and absent on one were the following; Becker, Coast, Cockrane, Helming, Jamison, Kimberly, Kopp, Neff, Pitt, Richards, Roberts and Sawyer.			
Lenocker.....	A	F	F				
Lueders.....	F	A	F				
McDermid.....	A	F	O				
McFarlane.....	A	A	F	These members of the legislature who are right on these important questions should have our earnest support.			
McFerren	A	F	F				
Mackie.....	O	F	A				
Michael.....	F	F	F	Those voting wrong on all three propositions were the following; Brady, Durant, Gilbert, Greene, Herman, Jones of Cerro Gordo, Lee, Nicholson, Stone, Swain, Wigdahl and Speaker Atkinson.			
Miller.....	F	F	F				
Moore	A	A	F				
Munro	F	A	A				
Murray.....	O	A	A				

Those voting wrong on two propositions and absent on one were the following; Gray, Holbert, Murry, Nordyke and Taylor.

Those members of the legislature who are wrong on these three propositions, it can be confidently assumed that they are controlled by the corporations to a great extent, should either be convinced that their position in the last session was wrong or, if they cannot be so convinced, they should be defeated.

This might seem that I am in favor of the League going into politics, but I am not. There is a vast amount of difference between engaging in partisan politics, or even factional politics, and in supporting those candidates who will favor the things for which we are working. It would be ridiculous for us to ask reforms of the legislature, to spend money and time in trying to secure them, and then vote for candidates whom we know will vote against the measures we favor. We should support the man who believes as we

do, irrespective of what party he belongs to. Now that the United States senator is elected by the people, party politics has no more place in the legislature than in the city council. Take an interest in the primaries and find out for yourself whether the candidate who asks your support will be a representative of the corporations or of the people.

I cannot close this report without a word of appreciation for the unselfish work of your president, your chairman of the legislative committee and in fact all of the officers and committees of the League. Each has answered every request for service, and cheerfully given of his time and experience to forward the interests of the League and of the municipalities of Iowa. With such service who can doubt but that there is a better time coming, when municipal government will be placed on that high plane for which this League of Iowa Municipalities is working and for which every lover of good government is looking.

Report Committee on State Legislation

Mayor J. D. Glasgow, Washington, Chairman

So many things occurred in connection with the work of your legislative committee that it will be difficult to embody the essential things done in a report as brief as should be given.

Your committee held its first meeting at the Savery Hotel, Des Moines, Iowa, December 8th, 9th and 10th, 1914. This meeting was called for the purpose of taking up all matters in connection with legislation that the League had advocated and would ask for. There was a full attendance of the committee at this meeting, also the committee on home rule was well represented. There were present a number of members of the League in connection with the active committees; President Sheldon, Vice-President Cole and Mayor R. C. Thompson, as well as a number of other city officials were in attendance.

It was decided that the best way to handle matters pertaining to legislation, would be to check up each bill of interest to cities and towns as it was presented, and definitely decide as to its merits, and either give it the approval or

disapproval of the League. This method was followed during the entire session of the legislature and entailed several meetings of your committee. Personally, I spent twenty-two days in attendance on legislative sessions, and your efficient secretary, Mr. Pierce, a much longer time than that. Other members of the committee, and your worthy president, gave much of their time in looking after the cities' interests.

I wish to state right here that the representatives of the cities and towns of Iowa were the only organization at Des Moines looking after the interests of the people, while corporate influence was represented every day by a large number of interested and paid lobbyists. Credit is not given the League by the people for the work it accomplishes. Were it not for our active work, there would have been saddled upon us a number of bills that would have worked great hardship and materially lessened the efficiency of the municipalities of Iowa. We lacked a long ways from accomplishing what we

wished, and finally had to be content with a few important bills and devote most of our time to helping kill some that were most obnoxious.

Particular credit should be given, and your committee wishes to thank, Representatives Tucker, Rogers, Kimberly and Jamison for the interest taken, and for the help they gave us in looking after the cities' interests. In the senate, Senator Kimball, who was chairman of the committee on cities and towns, showed us much courtesy, and had the best interests of the municipalities always at heart. Of course, there were many other members of the legislature that showed us favors and gave us their attention, but the names I have mentioned were the ones who were particularly responsible for the laws that were passed, and the prevention of the passage of other laws that were obnoxious to the municipalities.

About the first of December, 1914, I wrote a letter to the mayor of every city and town in the state, asking them for suggestions as to what laws in their opinion were most needed. The response was liberal. These answers were all considered at our committee meetings, and in so far as we could, were embodied in bills and presented to the legislature. While we were not able to secure the passage of but a very few of them, yet we feel that under the circumstances we were quite successful in accomplishing the results attained. There seemed to be so much before the legislature that it required very persistent effort to get the bills acted upon. As some of you have probably read, a great deal of time was spent on the road question in the House, and in the Senate the air was filled with personal ambitions, and oratory on the different phases of the liquor question, not much was accomplished until the final disposition of these two questions, and this occurred so late in the session that in the rush of matters, many things that should have had attention were laid over for the next session of the legislature.

At the last meeting of our League in Burlington, we heard much about home rule for cities and towns, and while at that meeting it was thought that it would require a few years of educational work before presenting the matter to the legislature, yet when we got to Des Moines and interviewed a number of the members, it was decided that it might be possible to secure home

rule at this session. Much educational work was done among the members of the legislature. The League secured Prof. Hatten of the Western Reserve College of Cleveland, Ohio, who addressed the members of the legislature at a dinner given by the Grant Club, and also addressed a meeting, at the noon hour, of representatives of the Chamber of Commerce. The proposition seemed to meet with such favor, that it was thought that the time was opportune to take the matter up with the legislature. However, in the House before the vote could be taken, corporate influence, particularly that of the Bell Telephone Co. was so great that the proposition met with defeat. Later on in the session, we were assured by members of the House that if the matter could have been brought up and given a little time, that the chances would have been much better for the bill's passage.

We were favored at this session with the spectacle of a representative of a so called greater Des Moines organization, using the influence of his organization against home rule, as well as against other measures of benefit to the municipalities. Personally, it is my opinion that this organization is working under a misnomer, as all the influence that it was my privilege to see exerted by it was never in the direction of a greater Des Moines.

The League has never taken an active position of opposition to the corporations or to the agricultural interests in the state, but unfortunately such laws as the cities wish passed, very often do not meet with the approval of personal interests of private organizations, consequently through a well controlled plan of lobbying they have been successful in securing the co-operation of the agricultural interests. This is done largely by inciting a feeling of jealousy and fostering an erroneous idea that the cities are always trying to put something over on the country. I believe that we are getting away from this impression however, and that in the future the agricultural interests and the cities are going to be closer together. As a matter of fact their interests are identical, and they above all others should work together.

I can not in this paper go into a very lengthy detail on the laws which your committee succeeded in bringing to the attention of the legislature, but believe that it is proper to mention a few of them.

Among the laws that went into effect on publication, was an amendment to section 813, Supplement to the Code 1913, by making the time of first publication of a notice for street improvements ten days from the first publication instead of an indefinite time as under the old law. Section 1258 of the Code was amended so that it now requires a two-thirds vote of the members of the council to remove an officer rather than a vote of five members as under the law before amended.

A law was passed giving to the cities and towns a share of the motor vehicle fund, such share to be determined by the ratio of miles of unpaved streets within the limits of said city or town to the total number of miles of public roads and unpaved streets within the county, provided, however, that in no case shall the aggregate amount so apportioned exceed ten per cent of the total amount apportioned to the county. This law went into effect July 4th, and it also stated that the apportionment would be made the first of April and the first of August, and that for the purpose of determining what the apportionment should be, the city clerk would be required to file with the county treasurer a statement of the number of miles of unpaved streets within such city or town. Very few of the cities or towns in Iowa have taken advantage of this law. I had, personally, full knowledge of the law, but overlooked the fact that a statement from the city clerk was necessary. When we made application to the county treasurer about the middle of August for our share of the money, he turned us down, stating that we had not filed our statement of the number of miles of unpaved streets on time, and for that reason he was not obligated to pay us. Our city attorney, under my instructions, took up the matter with the county treasurer and with the legal department at Des Moines. An opinion from the attorney general's office states that the county treasurer cannot legally pay to the cities and towns this money unless the city or town clerk has filed his statement at the proper time. Now here is something for each of you to remember. That in order to avail yourselves of this fund, it will be necessary that the city clerk file such statement ten days before the 1st of April, and ten days before the 1st of August, and this filing must be repeated before each apportionment date. As a matter of fact, not

much will be lost this year by the failure to file. The bill was not signed until the latter part of May and did not go into effect until July 4th, and there is some question regarding the municipalities' rights to a share of the money collected before these two dates.

There were two city manager bills passed by the last legislature. One of them was simply a bill authorizing the cities to provide by ordinance for the creation of the office of city manager and to fix the duties, powers and compensation of such officers. The other manager law was more radical and embraces practically everything that could be included in such a law.

Chapter 6, Section 754-a gives cities and towns the right to regulate so called jitney buses.

Section 2575-a7, chapter 16-a Supplement to the Code of 1913 was amended by making it possible for the cities to have their water supply analyzed at the state university instead of it being mandatory to be done by the state board of health. Instead of costing the cities and towns \$10.00 as formerly, the cost now will not exceed \$2.00, and I understand that the state university of Iowa City has established a rate of \$1.00. This straightens out the contention that has always occurred between the cities and state board of health over water analysis.

Sub-division 8 of Section 894 Supplement to the Code 1913 was amended so as to allow towns to levy seven mills for street lighting where they have a contract with a private company instead of five mills as at present.

Chapter 11 section 887-a gives cities and towns of less than 8000 population, the right to levy one mill for road dragging purposes. This law should prove very popular in the smaller cities of the state, as before it was necessary to have this work done out of the general fund, which as you know has already too many drafts upon it.

Chapter 4, section 696-b gives the cities and towns the right to levy a two mill tax for the collection and disposal of garbage and other waste material, and for oiling, sprinkling, flushing and cleaning of streets. In order for the cities and towns to take advantage of this bill, it is necessary that they pass an ordinance creating a sanitary district before such levy can be made. As the levy is made in August, this tax could not be available for 1916. Our city created a sanitary

district of the whole town, and at the regular meeting levied a two mill tax and expects to thoroughly try out the proposition next year. This is the law that the League has tried to get for the last several years, and is one of the most important that was ever passed by any legislature. Every city official has always had a large amount of trouble with the waste material problem during the summer months, and this law provides money whereby a plan can be evolved that should successfully take care of the problem, eventually doing away with all nuisance in the summer time, and also in a large measure eliminating flies. It is simply up to the city officials of the state to see that the cities and towns are kept in a sanitary manner.

Section 687-a, Supplement to the Code 1913, makes it mandatory for the city clerk to prepare a brief statement of the proceedings of each council meeting, including a list of the moneys expended and either post this statement in some conspicuous place or have it printed in a paper. We were successful at home in getting a rate of 33 cents per inch for eight point solid type. This rate enables us to take advantage of the benefits to be derived from publishing our proceedings and believe that in every case where it is possible, that the proper thing for cities and towns to do is to publish a brief report of their proceedings.

Chapter 6, section 751 Supplement to the Code 1913 gives cities and towns the right to lay off, open, widen, vacate, extend, improve and repair streets, highways and alleys, and tax the cost thereof to abutting and adjacent property according to the benefits derived from such extension, repairs or improvements, or it can be paid from the general fund or from the highway or poll tax of such cities and towns. This law makes it possible for cities and towns to open up streets and alleys and tax such expense up to the adjacent property instead of it being a damage proposition as at present. This is undoubtedly a very good bill for the municipalities.

Chapter 7 section 792-g is a corrective amendment defining what is meant by the term "privately owned property". This eliminates the trouble that was caused by the old law, making it questionable whether cities could tax up public improvements as against county property or public school buildings, etc.

Chapter 7, section 810 Supplement to the Code 1913 is amended so that it now requires only fourteen days instead of twenty as before for the preliminary notice of street improvements.

Section 741-d, Supplement to the Code 1913 was amended so as to include cities and towns and give them the right to erect town halls and to purchase ground therefor and to make the proper levies for the payment of the same.

Section 1056-a 32 supplement to the Code 1913 was amended so as to extend civil service from cities of 25,000 as it now stands to take in cities of 15,000 population or more.

Chapter 9-c Section 879-r establishes juvenile play grounds and gives full details of how the cities may avail themselves of the benefits of this law.

Chapter 7 Section 840-h gives cities having a population of 2,000 or more, the authority to pave the main roads leading into the city within the city and to assess up such cost against the benefited property.

Chapter 4 Section 728 supplement to the Code 1913 changes the law on library trustees, and makes it obligatory upon the city council to pass an ordinance stating whether the board of library trustees shall consist of five, seven or nine members.

There were a number of other laws passed that were of special interest to certain cities and there were also laws passed that would be beneficial to the cities, but which could hardly be called a law especially for the municipalities.

There were a number of other bills that were introduced, and which your committee tried very hard to bring to the attention of the legislature, but as stated in the beginning of this article, we had to be content with the few we did get passed.

The state board of health introduced a bill which was quite drastic in its features and which required all the cities and towns of the state of Iowa to construct sanitary sewer systems and disposal plants, and further directing that this work be done under the direct control of the state board of health. The time limit on the enforcement of the act was placed at two years. Your committee discussed this fully and decided that this was entirely too big a matter to be taken care of in such a short time. We therefore exerted our best influence and succeeded in

having the bill eventually killed. Not, however, because we were opposed to the cities constructing sanitary sewer systems, but that we did oppose the method which the bill provided.

You are all probably more or less familiar with the work of the Bell Telephone Company during the last session. Prior to the session of the legislature, this telephone company sent a man to practically every member of the legislature and exerted an influence toward getting the members' support for a bill which they had already then prepared. This visit was made at the homes of the members, the representatives of the telephone company even going miles out in the country to interview the farmer members. Your committee was able to secure a copy of the bill before the legislature was long in session, and after a thorough discussion, at a full committee meeting, it was decided that the best interests of the League would best be conserved by giving our unqualified opposition to this bill. You are all probably familiar with its contents. It provided for the making of all telephone and wire lines common carriers and placing them under control of the state railroad commission, giving the commission power to regulate rates, provide for physical connection, and in fact have full control. This power was not objected to so much by the League, as was the joker which was hidden in a paragraph farther down in the bill. This section gave to the telephone company the right of a perpetual franchise and the use of the streets and alleys as long as they complied with the reasonable orders of the railroad commission.

This would have eventually taken away all the rights of the city, and while it may be possible that the Bell Telephone Company has at the present time such rights, yet local companies have not yet acquired the power that the Bell Telephone Company has attained. Your committee mailed a letter to practically every mayor in the state of Iowa, calling attention to this bill and asking their influence to help in its defeat. I might say that the results were all that could be wished, and that when the measure finally came up in the House, that the objection was so strong it was referred back to the committee and died a lingering death at the end of the session. I will state that your committee expended probably not over \$50.00 in fighting this bill, while the Bell Telephone Company were undoubtedly out a

good many thousand dollars, as they were represented every day from the beginning of the session until the end, by a corps of paid representatives, ranging from the district manager of the company down to the local attorney of a private telephone company in some of the smaller cities of the state.

Credit should be given Representative Bronson of Waterloo for putting over the bill giving to the cities and towns a share of the motor vehicle tax. This was accomplished through the mixup in the fight on the Johnson Road Bill.

As I have already occupied more time than is proper, with a few more suggestions I will close.

I wish to impress upon the members of this League the importance of taking more interest in our sessions of the legislature. We must exert an influence for what we want, and while the legislature is getting more and more to recognize the League in matters that pertain to city laws, yet the outside influences are so great that it requires us to be continually on the watch to protect our interests.

I quote you a section from an article by Representative Tucker in American Municipalities, July issue, which states that: "With the exception of one farmer from Clinton county, that the members of the legislative committee of the Iowa League of Municipalities was the only organization present to take care of the people's interests and that they worked hard and long in the effort to hold for the people at home those rights which they now enjoy, as against those who would centralize all power possible in the hands of the commission in Des Moines. I am firmly convinced that if the officers of the cities and towns of Iowa knew of the good work done there would not be one outside the folds of the League." Representative Tucker is in a position to know whereof he speaks, and in this connection I want to state that I was approached by corporation lawyers in the House and informed that Representative Tucker was a Populist. If such is the case, I sincerely hope that the good people of Iowa will see fit to send a few more like him to the legislature.

Thanking every member of the different committees and the officers of the League for the consideration shown me, this report is hereby submitted.

Report of Question Box Committee

C. A. Robbins, Des Moines, Iowa, Chairman

Your committee reports that they have had under consideration the following questions, and return the following answers:

1.—I am desirous of having a little light upon Ordinance No. 62, being the Fire Limit Ordinance; Section "two" of said ordinance provides, "Fire proof materials as used in this ordinance shall mean that the outer walls shall be constructed of brick, stone or mortar and the roof shall be constructed of fire proof materials." At the present time a party has constructed a building here using the north wall of a former building and which wall was composed of wood covered with galvanized iron, as the south wall of the new building with the exception that said party has placed lath and a cover of mortar over the lath, on said wall. I thought that perhaps in the drawing of these ordinances your legal department might have some authority which they could cite relative to the question as to whether or not the wall referred to would be an outer wall, or in other words, the party constructing said building has used for her north wall the south wall of a cement building which was previously constructed and used for her south wall the wall of the building as above stated and used for the two ends brick. That is to say, does the ordinance mean where it says outer walls that all four walls of the building by virtue of said ordinance must be constructed of brick, stone, cement or mortar? I will be deeply indebted to you for any light which you can give me upon this proposition or any legal authority which your council might cite.

Ans.—The committee is of the opinion that a wall enclosing the interior of a building is an outer wall, but that in the case referred to, the wall being already in existence, the utilization of it is not a construction within the meaning of the ordinance.

2.—What control has a city over the parking of automobiles?

Ans.—No power to regulate the parking of automobiles alone, but a reasonable regulation as to the use of the streets by all vehicles, including

automobiles, might, in the opinion of the committee, be enforced. This question is now in litigation in Des Moines but has not yet been passed upon by the supreme court.

3.—If we are correctly informed, the mayor must hold court, trying cases that come under the town ordinance, which he has refused to do point blank. Now as we have had in force for a long time a speed ordinance, the town marshal has arrested eleven or twelve for violating same, but cannot get the mayor to hold court. The council contends that if the mayor does not try to do his duty, these cases could be tried before any Justice of the Peace. Further, the mayor will not have the marshal's assistant qualify permitting him to do police duty, after several petitions have been presented to the council asking that additional help be furnished the marshal to reduce the speeding mania.

Ans.—Under Code Sec. 691, Code Supp. 1913, it would seem that cases can not be tried before a Justice of the Peace where the mayor is neither absent nor unable to act, but merely wilfully refuses to act.

Under Code Sec. 652, the mayor shall appoint a marshal and may appoint one or more deputies. He must appoint as many policemen as the council shall by ordinance direct. If your council so orders, it becomes the mayor's duty to appoint. Any officer qualified to administer an oath may swear in a duly appointed policeman. In either instance, that is, refusing to hold court or to appoint, the mayor is wilfully disregarding or neglecting his duties and is subject to removal under Section 1258-c, Code Supp. 1913, by appropriate action.

4.—We have a newly established sidewalk along the side of a building which is between four and five feet above the grade of the street. The sidewalk is also on a side hill and when slippery or on a dark night, it would be very easy for a person to fall and hurt himself. Does this require a railing on the street side, and if so, who, the property owner or the council, must put this railing in?

Ans.—The council ought to put in a railing, under the state of facts as given, until such time

as grading of sidewalk is made to conform substantially to that of the street.

5.—(1) What is the lawful rate for publishing ordinances in newspapers?

(2) What is the lawful rate for publishing other notices?

(3) How can a person not a printer figure up bills in accordance with law?

Ans.—(1) There is none, save that it may not exceed the rate prescribed in section 1293 Code Supp., 1913, which is one dollar per square for the first insertion and fifty cents per square for each subsequent insertion.

(2) Section 1293, Code Supp., 1913, except when another fee is provided for the particular notice or document required to be published.

(3) See Section 1293, Supp. to the Code, 1913. Unless you can figure from this section, you will require the assistance of a printer.

6—(1) What are the proper steps to take in starting prosecution for interfering with or using hydrants when not authorized by permit?

(2) Is it necessary to serve papers on a man so caught using, if he is only a laborer, or can they be served on the head contractor?

Ans. (1) File information under your ordinance if you have one. If not, enact one and file information for subsequent acts. If interference amounts to malicious destruction of property, prosecute under state law. Sec. 4806 and 4807, Code Supp., 1913.

(2) If contractor had guilty knowledge of the interference, both are liable, otherwise the one using alone is liable.

7.—Can a city or town pass a legal traffic ordinance to include automobiles? If so, what can be covered in such ordinance?

Ans.—Answer in Number 2.

8.—How should a city or town handle the weed question under the present law, that is, how make the property owner cut them?

Ans.—Section 1565-a Code Supp., 1913 affords at least one method of handling the question, and it is doubtful if there is any other. The provisions of this section are complete, and if read carefully can be readily followed.

9.—What are the necessary steps to be taken to condemn or get a street across railroad right of way, where there are crossings on each edge of town and where there are three streets between which have no crossings? We want a crossing at the center of the three.

Ans.—Condemn under Sec. 880 and chapter 4 of Title X Code and supplement. Proceedings may be maintained even though some

changes are required to be made by the railway company. Railway Co. v Mason City 155 Iowa 99.

10.—Is it the duty of the council to commence action against a property owner who has placed a tile in a natural waterway on his lots, which tile is not large enough to take the water off adjoining lots and thereby causing it to back up on other lots and damage them? Should the council start proceedings, or should the adjoining property owner do so?

Ans.—Either one may start such an action, but the council is not required to act. See section 699 Code 97.

11.—(1) "B" street is paved north to and including its intersection with Broadway. Can property situated on "B" street north of Broadway be assessed for any part of the cost of the improvement of such intersection?

Ans.—No.

(2) May the entire cost of the pavement of such intersection be assessed to the property immediately south of Broadway and abutting upon "B" street?

Ans.—Probably yes. However, the question is a doubtful one and the court might hold that such property would only be liable for one-half of the cost of the improvement of such intersection, or the half thereof south of the center of Broadway.

12.—How can you compel the payment of poll tax by a single man and by a married man?

Ans.—Code sections 891 and 892; Code Supp. Sec. 893. In addition to the collection as ordinary taxes an action may be brought at any time within one year, and no property or wages is exempt.

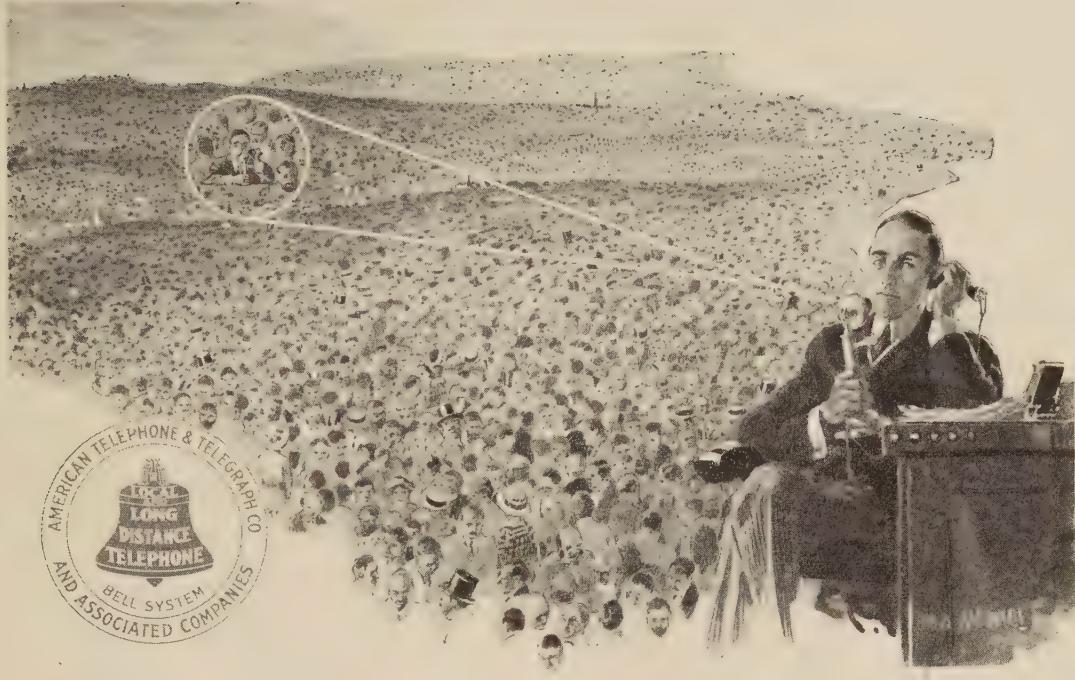
13.—If a sidewalk grade is given and ignored by property owners and walk laid on top of ground, what is to be done to get it on grade, and can it be done at once at owner's expense?

Ans.—City has authority to order the sidewalk out, bring the street to grade and order new walk in. Property owner failing to comply, walk can be put in by the city and cost assessed against the property.

14.—Can a mayor of cities or towns be allowed a salary and also fees as compensation?

Ans.—In commission plan and special charter cities, salary only. See Code Supp. Sec. 1056-A-28. In cities and towns fees may be allowed in addition to salaries, unless an ordinance is enacted prescribing that the salary is to be in lieu of fees. See Code section 670-675.

15.—Where a city owns a light and water



The Man in the Multitude

That the human voice may be transmitted across our continent by telephone is the marvel of this age of wonders. Yet the full significance of the achievement is not realized if it is considered strictly as a coast-to-coast connection.

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plant, and the Ladies Federal Club proposes to establish and maintain a public rest room, and such club petitions the council for free light and water for use in such rest room, may the city council grant such request and furnish electric light and water without charge for the use of the public in such rest room.

Ans.—No.

16.—Where can I get the best information on septic tank; also on sewer disposal plant and incinerating plant?

Ans.—Write Lafayette Higgins, Sanitary Engineer, State House, Technical Service Bureau, Ames, Iowa.

17.—Does the law make it necessary for the people to vote on questions of adopting the City Manager Plan?

Ans.—Yes. See section 1056 B-1 Supplemental Supplement. However, the business manager having substantially the powers of a manager may be employed by other cities without the adoption of the manager plan. His powers and duties shall be such as are given him by the council only. Clarinda and Shenandoah have this plan.

18—What would be the liability of the town in the case of the construction of a water tower to the property owners holding adjoining property? In case of the sale of property after the construction of the water tower, could the purchaser hold the town for any loss by reason of tower being placed as it was if there never was any actual damage done? This tower was placed in the vicinity of residence property.

Ans.—No.

19.—Can a city council legally license a peanut and popcorn wagon to stand upon a public street?

Ans.—No. See Code Section 717; 28 Cyc. 869-971. Bennett v Town of Mt. Vernon, 124 Iowa 537; 123 Iowa 654.

20.—Would the city be liable to a damage suit in case a team would run into such a wagon and some one would get hurt?

Ans.—Yes, if negligence permit it to remain there.

21.—Have the city council the power under the law to buy a piece of property for a city hall without submitting the proposition to a vote of the people?

Ans.—Yes, but under section 741 B-G Supp. to the Code, 1913, such a vote would be required before the construction of a building thereon.

22.—A city having no board of public works wishes to build an addition to its gas plant at an expense of \$500.00. Does the law require that the work be let to bidders, or may the city do the work with its own employees?

Ans.—The city may do the work with its own employees.

23—When a city or town asks for bids on different kinds of paving to be used, and intending to put in two kinds of paving, namely, business and residence sections, would the unsuccessful bidder be the one whose aggregate bid on the two kinds was the lowest, or for the lowest bid on each kind? What are the rights of the council in this matter?

Ans.—The matter should be treated as two separate jobs and each should be awarded to the lowest bidder.

24.—How should an ordinance compelling sewer connections on streets to be paved, be enforced?

Ans.—See Code Section 809.

25.—Does a town that places electroliers upon the center line of its street become liable for damages if any accident should occur by reason of electroliers being in such a position?

Ans.—Yes, if same is an obstruction—question of fact. Whether it is or not depends upon the width of the street, volume and character of traffic and many other facts, etc.

26.—A city built on a public square, the streets immediately surround the square a hundred feet wide, the intersecting street, 67 feet wide.

A city erects an auto guide-post in the center of the intersections, surrounding this public square. There is 30 feet of space on each side of this auto guide-post for the use of public traffic. What liability would the city incur should some one run into this guide-post? The authority which I use for its erection is as a measure of public safety and as a police regulation.

Ans.—Answered in number 25.

27.—Does a town have the right to pave upon the construction of a street, but which is upon a railroad company's right of way and assess the cost to the company?

Ans.—Yes. It is privately owned property. See Section 792-9 Supplemental Supp. to the Code, which reads as follows:

"All property, except streets, alleys, public highways, public drive ways and property owned by the United States government shall be deemed privately owned property within the meaning of this section."

SAN FRANCISCO JITNEY ORDINANCE UPHELD

This municipal jitney bus ordinance was upheld by the supreme court in a decision handed down recently. The decision appeared to be equally pleasing to the police traffic squad and the jitney bus association.

The provisions of the ordinance are that jitney bus drivers must have a permit from the police commission, put up bonds of \$10,000 for compensation in case of injury in accidents and pay a license fee.

The ordinance was attacked principally in that it calls for the bonds to be provided by a responsible surety company, to the exclusion of personal sureties.

The supreme court took the stand that a legislative body requiring a security has the right to name what form that security shall take. The decision also makes note that the jitney bus business is one which properly should be regulated by the municipal authorities.

Officers of the San Francisco jitney bus association expressed themselves as well satisfied with the decision. Thomas Doyle, the secretary, said:

"Our association has always been for the ordinance. It will minimize the possibility of accidents, and will drive all but legitimate bus drivers off the streets."

"If you have paved streets in your city and are looking for a sanitary and most up to date method of street cleaning, write to J. I. Brorby, of Shenandoah, Iowa, the patentee of the

Economy Street Flusher

and get information regarding the most efficient, economical and up-to-date street cleaning device on the market. This street flusher is an Iowę product and is now in use in Omaha, Nebraska, Lincoln, Nebraska, Des Moines, Council Bluffs and Washington, Iowa, Coffeyville, Kansas, and other places."

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WARRENITE has been laid to the extent of 480 miles of roadway, 16 feet wide, in many counties and states from coast to coast and has given the counties an ideal surface at a reasonable cost.

After three years' practical test in the use of WARRENITE surface, the Multnomah county court (which county includes and surrounds Portland, Oregon) in June, after a thorough investigation of all substantial forms of road construction, awarded contracts for surfacing of 74 miles (of roadway 16 feet wide) of WARRENITE surface, this being, it is said, the largest country road contract ever let in America. The work is now under construction and it will be an example for other counties to follow.

A report of the Portland Chamber of Commerce special paving committee, dated June 12, concludes:

* * * "We are certain that everybody concerned in this paving problem who is entirely disinterested, has been, and is now, seeking to get the very best available pavement for the county, because it is realized that, in so doing, the county will be furnishing an object lesson which will be an incentive to depart from the unwise policy of the past, which has resulted in throwing money away for useless macadam roads."

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NEBRASKA NEWS
(Continued from page 10)

BONDS AND FRONTAGE TAX

At a special election held by the village board of Wausa, \$12,000 in special bonds for a sewerage system were carried and the balance of the necessary \$20,000 for this work will be raised through a frontage tax on all property inside of the corporate limits of the village.

SIDNEY BUYS PLANT

The privately owned electric plant at Sidney was sold to the city a short time ago for a figure of \$22,500, the newly acquired property to be merged with the municipal plant at Chappell.

KEARNEY FOR PAVING

A general election was held in Kearney to vote on the issuing of \$50,000 in intersection bonds, the bonds carrying by a majority of 78 out of a total vote cast of 650. The extensive paving plans which have been considered by the council and property owners will be carried out, and four miles of paving, at least, will be put down next year in Kearney.

QUESTIONS ANSWERED BY THE SECRETARY

How to make special assessments for building sidewalks in villages where property owners refuse to build walks when ordered to do so?

First. Give reasonable notice to build, about 30 days. Keep a record of date of service and upon whom notice was served.

Second. Have an estimate made of cost of sidewalk and have the council or village board approve the estimate.

Third. Advertise for bids, about ten days stating estimated cost. Need not advertise if city does laying under city engineer.

Fourth. Make a record of acceptance of work after walks are laid on the property specifically named by lot and block.

Fifth. Under section 5113 of the Revised Statutes of Nebraska for 1913, a notice of a special meeting of the council to make the "special assessment for improvements" must be published four weeks or personal service of the notice be given to the owner or to the occupant of the property to be assessed.

Sixth. By resolution the council shall fix the amount to be assessed against each lot according to the benefits, with the vote by yeas and nays, and make a complete record of such action.

Seventh. Such an assessment is a lien on the property and the assessment shall be certified by the board to the treasurer of the village board or city treasurer.

2. What taxes a village may levy.

Under an amendment to Sec. 5107 of Nebraska laws for 1913, the village board has power to levy up to 15 mills for general revenue purposes. (Page 231 of Neb. laws for 1915.)

Tax for paying the expense, or to aid in paying the expense to maintain a water plant, hydrants, pumping and supplying water for public purposes. The council or village board when petitioned by 60 per cent of the legal voters, by signed petition, may levy not to exceed three mills in addition to the levy for the general fund. (Page 486 Neb. laws 1915.)

3. Is it legal to place saloon license money in a fund called a "License Fund" and use the money to repair and build streets?

According to our Nebraska statutes the saloon license money belongs to the school fund. Article VIII., Sec. 5 State Constitution, and note the holding in State vs. Wilcox, 17 Neb. 219.

This also covers other license money received.

The matter of disposing of occupation taxes is different and the city council may name the fund it desires credited with such money.

4. Where a warrant is registered and has run three years but provision for payment has not been made and it has not been called in or taken up, if suit is brought should the village board fight it?

If the obligation is a just one do not fight it. The present board should take care of this even if a former board neglected its duty. Keep the credit good by paying.

The town of Traer, Iowa will receive bids for a waterworks pump October 4th, 1915, at 8:00 o'clock p. m. Certified check five per cent. Bids will be considered on either rotary, centrifugal, or triplex pump, capacity 300 G. P. M. Specifications may be had of Chas. P. Chase, Consulting Engineer, Clinton, Iowa.

T. F. Stoakes, Town Clerk

The town of Kanawha, Iowa, will receive bids October 15th, at 2:00 o'clock p. m., for a 30,000 gallon steel tank on an 80 ft. tower, and 7,000 ft. of 4 to 8 inch mains. Certified check for five per cent.

Chas. P. Chase, Engineer, Clinton, Iowa

F. L. Bush, Mayor



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Prevents Dust-*

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In 1912 Swansea used 18,000 gallons, in 1913 —30,226 gallons, and in 1914—18,000. The present plan is to use 18,000 gallons hereafter each year. This is sufficient to take care of the

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"Tarvia B" is applied to the macadam surface without heating after the surface has been swept clear of surface dust.

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WANTED—The town of Malvern, Iowa is considering installing electroliers—Information wanted. S. J. Clark, Town Clerk.

WANTED—One street roller, weight four or five tons, same to be drawn by horses, please give description, condition and price wanted. Town of Bellevue, Iowa.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Swea City, Iowa.

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—A High speed Atlas steam Engine 45 H. P. 280 R. P. M. used seven years. Village of Howells, George Lodes, clerk

FOR SALE—Two Cook Deep well pumps with 400 feet casing and 400 feet of wood rod. 1 No. 300 18 or 24 inch stroke 4 inch cylinder. 1 No. 159 12 or 18 inch stroke 3½ inch cylinder. Line shaft and pulleys. All in fine condition. Address town of Milford, Iowa. J. E. Shelledy, Clerk.

FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Delevale Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.

FOR SALE—Having recently installed a complete system of water works the village of Taylors Falls, Minn. has a hand engine suitable for use in any small village, for sale cheap. The engine is in good repair. W. H. Robinson, village clerk.

FOR SALE—Heller & Brightly transit, full circle, stadia cross-hair, also level, same make, like new, at a bargain. Other instruments in stock, new and second hand. Transit and level repairing. O. Griner, 214 E. Tenth street, Kansas City, Missouri.

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FOR SALE—A good wooden tank street sprinkling wagon complete, for particulars, address Frank Scobie, Sleepy Eye, Minnesota.

FOR SALE—Having recently installed in our town electric lights, we have for sale at a bargain a good 500 candle power American Gas Street Light with post, nearly new. If interested write at once to H. W. Speight, Recorder, Porter, Minn.

FOR SALE—Dean Steam Duplex Fire Pump 14 inch steam cylinder, 8½ inch water cylinders, in good condition, price \$400.00. E. C. Smith, Clerk, Town of Bonaparte.

FOR SALE—One two-horse hose wagon, capacity 1,000 feet 2½ inch fire hose. C. J. Duff, City Clerk, Council Bluffs, Iowa.

FOR SALE—18 horse power Watrous fire engine, good as new, complete with 30 foot 4 inch suction hose, same being replaced by high pressure water system. Write or wire at once, for full particulars. Russell E. Whipple, chief, fire department. Lehigh, Iowa.

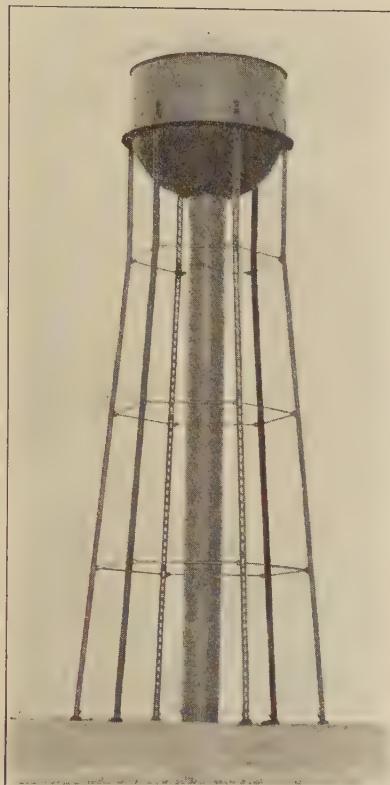
FOR SALE—Two 2-horse double 50-gallon tanks and one either 2-horse or hand drawn 100 gallon chemical fire engine. Champion make, and in good condition. Inquire Chief Kellogg, fire station No. 1 Sioux City.

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FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk.

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The commissioner of parks at Wichita, Kansas, has replaced a number of electric lights with Coleman Boulevard Lamps, on the theory that the gasoline lamps make a better appearance and does away with the unsightly poles and wires necessary with electric lamps. This experiment will be watched with interest and it is just possible that the next development in park lighting will see the gasoline lamp taking first place.



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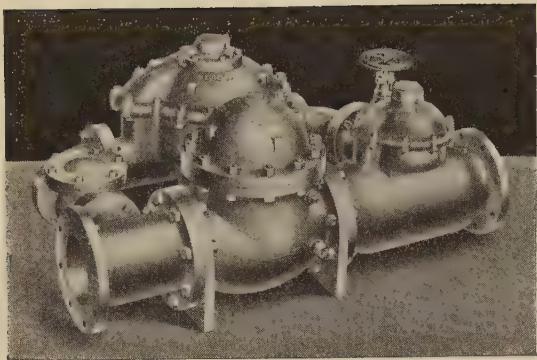
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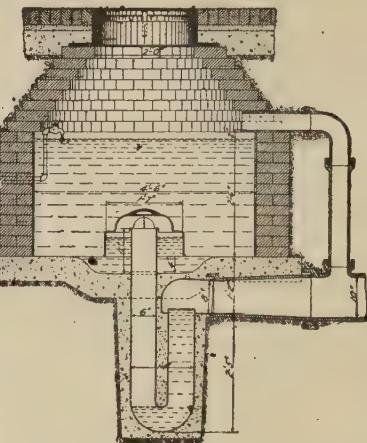
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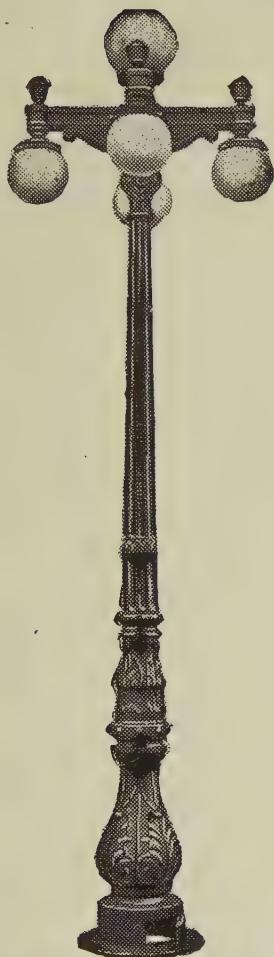
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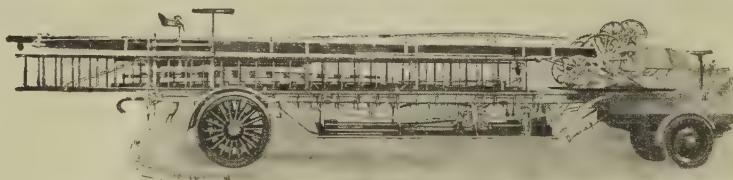


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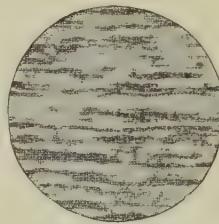


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American Municipalities

November, 1915

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OFFICIAL BULLETIN

League of American Municipalities
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League of Iowa Municipalities
President, Dr. J. F. Cole, Mayor, Oelwein
Secretary, Frank G. Pierce, Marshalltown

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COMMENT

In this issue appears two important papers read at the annual meeting of the League of Iowa Municipalities and the discussion by the delegates.

The report of the committee on street paving is one in which every municipal official is interested as more money is now being expended for paving than for any other one municipal improvement.

Before a council adopts a paving program the members should carefully investigate the different kinds of material and construction and also the width of the pavement to be laid.

Thousands of dollars can be saved the property owners annually by cutting down the width of the paved roadway on residence streets.

The almost universal policy is to pave the roadway too wide on residence streets, twenty-four feet or even less is plenty wide on a strictly residence street.

The paper by Prof. Price on engineering co-operation for small towns is of the greatest interest not only to the small towns but to the engineers as well.

If several small cities or towns would pool their interests and hire an engineer by the year they would get much better results and a consecutive program of improvements would be carried out.

Or if some engineer would take up the proposition he could probably make contracts with a number of towns to give them their engineering service and it would give him a fixed income and a permanent position.

Municipal officials are apt to think that the only time that it is necessary to clean up is in the spring but it is just as important to clean up in the fall, in fact every day ought to be clean up day.

If your municipality is a member of the Iowa, Minnesota or Nebraska League and your officials are not receiving American Municipalities the chances are that your clerk has not sent in the names of your present councilmen and officers.

If all municipal officials who receive American Municipalities would suggest to the salesman

representing the firms from which they buy material and supplies the advisability of carrying an advertisement in American Municipalities it would soon result in more advertising and consequently a better publication.

If all are not receiving the publication you should write your state secretary and send him a correct list at once.

INCREASE IN SINKING FUNDS

In 1911 twenty-five per cent of the general tax receipts of Cincinnati went into the sinking fund, while in 1915 thirty-three per cent of the general tax receipts were necessary to take care of sinking fund requirements. American cities must adopt the policy of paying as they go or a time will come when all the general receipts will be required to take care of sinking funds and interest charges. The old plan of issuing term bonds must be changed to issuing serial bonds and then a tax levied to pay the bonds as they come due.

PERSONATING AN OFFICER

A fruit vender complained to the mayor that a certain citizen was in the habit of taking fruit from the stand as he passed by, and wanted to know what could be done. The mayor after giving the subject careful consideration advised the filing of an information charging the citizen with the offense of "Personating an officer."

NOTICE

Notice is hereby given that proposals for the furnishing of one motor driven chemical fire engine, to cost not more than \$1,400 will be received by the Firemen's Relief association of Shakopee, Minnesota up to and to be opened at 8:00 p. m. of November 8, 1915, said association reserving the right to reject any and all bids.

REGULATE PUBLIC DANCES

A great many cities and towns are passing ordinances regulating public dances. It might just as well be accepted in this day and age that young people, and some not so young are going to dance. If they cannot dance with moral surroundings they will dance in the midst of immorality. Billy Sunday claims that the dance is responsible for the downfall of a majority of the fallen girls but the Catholic fathers seem to

think that the dance without liquor is harmless. The chances are that the Catholic fathers know better about this than the Reverend Billy. Irrespective, however, of the evils of the dance all will admit that a girl should not drink and dance at the same time. The best way therefore to handle the dance question is to see that there are decent places where the young people may dance and absolutely prohibit all liquor of every kind. The very best way is to have municipal dances, given by the municipality at cost under the very best of conditions, but if you cannot have a municipal dance at least pass an ordinance so that the public dance will be a safe place of amusement.

A CHEAP COUNTRY ROAD

Few engineers have favored a one course brick pavement on a sand foundation but the fact remains that such a construction will last as long as the two course brick, or except where exceptionally heavy loads are carried as one course on a concrete base. In twenty years of observation of brick pavements I have noticed that all the wear has been on the top of the brick and this leads to the conclusion that the wearing qualities of the brick, are much more important than the base. In Marshalltown, Iowa, a block of brick on a bank sand base was laid nearly twenty years ago and adjoins at each end a two course pavement. No one could tell in looking at the pavement today which is laid on the brick base and which on the sand base. On another street in this same city brick was laid on a concrete base and this pavement was replaced in about twelve years because the brick had worn away. With the best quality of paving block a country road could be built, one course on sand, that would outwear any pavement that could be laid at an equal cost. Engineers and brick manufacturers should carefully consider this construction as a possible solution for a reasonably cheap country road.

The Utilities Bureau will hold a three days conference at Philadelphia, November 10, 11 and 12, at which the question of valuation will be considered. The most important single item in any rate controversy is the question of valuation and it ought to be possible to adopt standard rules for this purpose.

Minnesota Municipal News

Edited by G. A. Gesell, in Charge of Municipal Reference Bureau, General Extension Division,
University of Minnesota

The annual meeting of the League of Minnesota Municipalities, held at Virginia on October 20-21, was the most successful meeting the League has yet held and was one of the best conventions ever held by any municipal League. A full account of the proceedings of the convention will be published in the December issue of American Municipalities.

Hon. O. E. Keller, commissioner of public utilities at St. Paul, has recently made a careful investigation of the rates for electricity in that city and has decided that it will be possible to reduce the rates, especially to power consumers. In the near future he will introduce an ordinance making a number of reductions from the present rates.

Mayor Prince of Duluth states that the commission in that city is receiving many complaints in regard to defective street lights in various parts of the city and the commission has decided to make a full inspection of the service rendered and if possible to take such action as will result in all the lights being in service each night.

The city of St. Paul has two million dollars deposited by small investors as part of the purchase price of city certificates of indebtedness but there has been some question raised as to the legality of this proceeding and the voters will be asked to approve an amendment to their charter next spring legalizing this city bank scheme. St Paul has been able to raise large sums of money among its own people by this method of finance and there would seem to be no reason why the plan should not be made permanent and legal.

Stillwater will hold its first election under the new commission charter in November and already the business interests have a ticket in the field that is being supported by the charter advocates.

The city of Eveleth has engaged E. C. Ford of Knoxville, Tenn., as play ground supervisor and director. He will be engaged during the entire year, the school board paying

his salary during the school term and the city during the summer.

The village of Lafayette has passed an ordinance to regulate public dancing and prohibiting such dances on Saturday nights and Sunday. Under the ordinances all dances must stop at midnight and must be carried on in an orderly, moral and restraining manner. Smoking, drinking, profanity and offensive conduct is also prohibited.

Sauk Center is considering a new charter.

The Duluth commission will submit an amendment to the charter asking that the purchasing limit without bids be raised from one hundred dollars to five hundred dollars. With a competent purchasing agent there would seem to be no good reason why a city should not be allowed to buy at least five hundred dollars worth of material without the expense and trouble of asking for bids.

Commissioner Voss of Duluth has submitted budget estimates for the coming year amounting to \$913,000.

The shower baths in the primary school at Gilbert are now open to the public. This is a good move as there is no reason why school property should not be used by the general public as well as other public property.

Engineer Cappelen of Minneapolis has been instructed by the council to make a thorough investigation of the question of sewerage disposal among the different cities of the country. With the completion of the high dam at the Twin Cities it will be necessary for the city of Minneapolis to purify its sewerage before emptying into the river, or the lake above the dam will in all probability become a source of sickness and disease rather than a source of pleasure as expected

USE EXTENTION DIVISION

The municipal officials of Minnesota do not get all of the service they should out of the extension division of the University of Minnesota. The extension department and especially the

bureau of municipal affairs under Prof. G. A. Gesell is ready at all times to give municipal officials and others interested in municipal affairs information on all municipal questions. This service should be of the greatest value to all officials especially to those of the smaller towns. When an official of a small town desires a legal opinion or information on any municipal question or an ordinance that complies with the state law he should write to Prof. Gesell asking for the same. The service of the department at the University free, and is maintained for the purpose of giving this service, so that every official may feel that he is entitled to the same. The more the municipalities of Minnesota make use of this department the better service they will be able to give their people.

DULUTH ELECTION SYSTEM

The Herald hears from many sides approval of its suggestion that, in the new election system to be adopted in place of the one taken away from us by the supreme court, provision be made whereby the necessity of two elections and two campaigns will be done away with in cases where a candidate at the primary gets a majority of all the votes cast.

From a lawyer, approving the plan but not seeking publicity for himself, comes a suggestion that fits in admirably, and that seems to lift whatever doubt the legal phase of the proposal might contain.

This is that while the primary should be equivalent to an election where a candidate gets more votes than all the other candidates put together, the law may require at least the form of a contest at the general election.

Therefore he proposes that the name of the candidate successful at the primaries shall go on the general election ballot, but without opposition, a blank space being left in which the voter may write the name of any candidate he chooses.

With this addition he believes the plan would be legal; and so, though very humble about its legal opinion in view of the fate of the preferential ballot, does The Herald.

WATER WORKS IMPROVEMENTS AT ST. PAUL, MINN.

The city of St. Paul, Minn., will expend \$400,000 in carrying out certain improvements

to its water works recommended by Allen Hazen, Consulting Engineer, New York City, in a report submitted last May. Ordinance authorizing a bond issue for the above amount is now before the council. The first improvement to be undertaken will be the installation of a new 15,000,000 gal. pumping engine. Plans for this will be ready about the first of next month. Early next year it is expected plans and specifications will be ready for two covered reservoirs, one of 30,000,000 gals. capacity, the other of 7,000,000 gals. capacity. Motor driven revolving screens and Venture meters also will be installed.

THE MODERN JUGGERNAUT

Thirty-six people were killed in New York City by automobiles during August. In every city and town, even in the country, the story is the same, pedestrians run down, occupants of cars killed by accident. The toll of death increases month by month and the violation of law increases in direct proportion or rather the people die in increasing numbers in direct ratio as the laws are violated, and yet, except in exceptional communities and in a spasmodic manner the law is violated with impunity. Some day a person is killed and then the officers enforce the law for a few days or a few weeks. The man who gets drunk is arrested but he injures no one but himself. The petty thief is hounded by all the officers of the law but after all he simply steals a little property. The automobile drivers violate the law, instead of taking a purse they take a life, and the officers look on with little or no interest. If you are a private citizen and believe in law enforcement, comply with the automobile laws before you ask that the drunkard and the thief be arrested. If you are an officer let the drunkard go and arrest the criminal automobile driver. The automobile driver who violates the law is more a criminal than the thief or the drunkard. Men in authority should see to it that the automobile laws are enforced and that lives are not continually crushed out by this modern juggernaut.

At a recent meeting the city council of Cherokee, Iowa passed resolutions ordering over four miles of paving, contracts to be let this winter.

LET THE GANG RULE

A city will always be governed. Sometimes its governors are one group of people, sometimes another group but whatever group is in control is called by those who resent its actions "the gang." As a consequence, a city is gang ruled, and the only remedy for this is to enlarge the gang until it consists of the whole body of citizens. This determination on the part of all the people can be brought about by agitation and education. Fortunately, we have now in America a number of cities which are well on the way toward real community consciousness and self-government. The chief obstacles which have to be overcome are these:

First. The special financial interests which profit by government and therefore can afford to spend the large sums of money to retain power.

Second. Hopelessness on the part of citizens generally who have participated in "reform campaigns" only to find themselves against the compact organization and abundant finances of the special interests, or to find that reform success was not a permanent betterment of city conditions.

Third. The real limitations which have been placed upon the powers of the city by state legislatures, either procured by special interests as a safeguard to their own control, or permitted to remain unrelieved by state legislatures, which have failed to appreciate that in this new age a city can meet its responsibilities only when it has the power to analyze its own conditions and to devise and execute remedies.

As to the first it is only fair to say that the public utility monopolies are being brought to a recognition of the fact that their business is so far affected with the public interest that they must be subject to public regulation and control. They recognize that the day of speculative profits, limitless valuation and extortionate rates is past and that the public utilities of transportation, light, power and water are going to be secured at fair rates and under favorable conditions by American cities, from privately managed plants, if that be possible, but from publicly managed plants if that be necessary to secure the results.

The indifference, or rather the hopelessness of those who have fought only to be beaten, or won only to be disappointed, will also disappear with education, and the necessary education will come as soon as the power and responsibility

which the modern city demands are secured for it, either by constitutional amendment or legislative enactment. The American city is either a menace or a blessing. To make it the latter is a challenge to our sense of personal and business security and well-being which we must take up.

Probably the only program upon which all can agree is embodied in the words "Home Rule for Cities." Our state legislatures have sought to make cities good by making them powerless. They have succeeded in making them corrupt because they were feeble. The emancipation of the city is the immediate task. This does not mean any loss of state feeling; it erects no independent government within the state; but in accordance with all the traditions upon which Anglo-Saxon liberty is based it establishes the right of local self-government and gives the people of a city the power to determine as they will purely local concerns.

This includes the power to deal with local public utility questions and substitutes the direct informed and interested public action of citizens of the city for the slow and fruitless bewilderments of state public utility commissions.

It gives the city the right to determine whether it will invest enough of the money of its own people to stamp out tuberculosis; to improve sanitary conditions; to light and police its streets; to abolish the evils of the slums, and when a city-dwelling people have such power they acquire very quickly a community consciousness which will use that power for the perfection of their institutions and betterment of their city life.

There is an identity of interest among people of the state, whether they live in the city or in the rural districts, in this regard. The corrupt, unsanitary and diseased city is deadly alike to its own people and to the state of which it is a part. Its output of criminals, its contribution of insane, its degradation of public morality, and its propagation of contagious disease become a state burden and a state peril. The appeal should therefore be made to the people of the state to free the city, place on its shoulders the responsibility for its own well-being, and then the process of education in public right will be addressed to people who can both understand and act.

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COMMITTEES LEAGUE OF IOWA MUNICIPALITIES

Mayor J. F. Cole of Oelwein, the president of the League of Iowa Municipalities, has appointed the following committees and chairmen of departments for the ensuing year.

LEGISLATION

Mayor G. W. Koontz, Iowa City
 Mayor A. C. Mueller, Davenport
 City attorney H. W. Byers, Des Moines
 Mayor Ed. Farrell, Manning
 Councilman Geo. F. Tucker, Clinton
 Mayor T. A. Potter, Mason City
 City attorney Ben P. Poor, Burlington
 City Clerk Chas. Duff, Council Bluffs
 Mayor E. P. Malmberg, Newton
 City Manager E. L. Marriage, Iowa Falls

HOME RULE

Mayor Jas. R. Hanna, Des Moines
 Mayor A. A. Smith, Sioux City
 Mayor Parley Sheldon, Ames
 Councilman C. H. Smith, Fort Dodge
 Mayor H. F. Johnson, Pella

STREET PAVING

Mayor James Saul, Dubuque
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Mayor C. A. Wendstrand, Shenandoah
 Mayor F. M. Myatt, Maquoketa.
 Mayor W. F. Baker, Decorah

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 City Engineer C. H. Streeter, Cedar Falls
 Mayor D. F. Spratt, Fairfield

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 Councilman C. A. Brust, La Porte City
 Mayor Fred Davis, Reinbeck

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 City Clerk S. B. Weeks, Guthrie Center
 City Clerk, H. E. Button, Alden

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CITIES UNDER MANAGER PLAN

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TOWNS

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City Attorney Carl H. Laubach, Davenport

CLERKS AND AUDITORS

City Clerk N. B. Egbert, Estherville

ENGINEERS

Wm. Steiner, City Engineer, Marshalltown

WATER AND LIGHT COMMISSIONS

B. F. Stedman, Supt. Waterworks Dubuque

CITIES MAY SELL ELECTRIC FIXTURES

Municipally owned lighting plants in Michigan were given an advantage when the supreme court decided that they could engage in the business of selling bulbs, electrical apparatus, electrical appliances, etc., and wire houses as well. An electrical appliance dealer of South Haven complained that the city was injuring his business by competing. His contention was that under the state constitution while the city had a right to own and operate a lighting plant it could not go into any private business. The court, however, in an opinion written by Justice Kuhn, holds that although the constitutional provision does not say exactly that the city can only own and operate, common sense, says the court, will permit the city to make the proper sales of such things as will enable the consumer properly to use the current. The case of electricity differs from that of water, the court says, the state in which it is delivered over the wires, making its use impossible directly.

Rockwell City, Iowa is just completing five miles of asphalt paving besides a large amount of sewers and other improvements. Mayor Stevenson reports that there was little objection to these improvements on the part of the property owners.

Committee on Street Paving

Report by Commissioner C. H. Smith, Ft. Dodge, Chairman

In attempting to make a report for the paving committee of the League of Iowa Municipalities, I am not unmindful of the responsibility placed upon me by the officers of the state association. There is such a diversity of opinion as to the various kinds of pavement and the method of laying and its maintenance, that all I hope to accomplish in this paper is to open the subject for general discussion. If I should succeed in offering a single suggestion as a result of my experience, that might be of assistance to some interested listener, I will feel well repaid for the time and thought consumed.

I have always been of the opinion that the best way to reap the most benefit from a subject of this kind is to hear the actual experience of others. This is true of paving more than any other subject of civic interest. There is certainly no question that should require study and serious thought on the part of municipal officials than paving. The kind of paving to be put in; the quality of material; confidence in your engineer; the best method in laying; the awarding of the contract and the responsibility of the contractor, must all be given careful and deliberate consideration.

The paramount question in which you are interested, in the selection of pavements to be constructed, is whether you shall expend the greater portion of your money in the building of pavements well established and thoroughly known, or whether you shall expend the major portion of funds available in the construction of pavements of uncertain value. If you are a successful business man you would not experiment in your own business beyond a certain limit. Treat the work you are doing for your city as if it were your own. Put the affairs of the city on a business basis. Be just as conscientious for the city and your constituents, as you are with yourself. This rule is always wise and applicable in expending public money. You are always justified in satisfying yourself with the experience of others. Learn from the experience of larger

cities, and from men, who have made paving and paving material a study. Be sure you are right; that you have the worth; the value; the economy; the durability; the quality; the workmanship, and in fact all the requirements sought for in a permanent street improvement.

THE FORT DODGE WAY

In offering these suggestions, I would not have you believe that Fort Dodge has been perfect in the construction work of her paved streets. Like every city here represented we have made mistakes. Show me a city that has made no mistakes, and whose officers claim perfectly paved streets, and I will find for you more flaws than you ever dreamed of. These things must be and the best we can do is to profit by the experience of others. That is why we are here today, and that is why I am going to tell you what has happened in Fort Dodge.

I believe that I can safely say, without fear of contradiction, that Fort Dodge can boast more miles of pavement than any other city in Iowa, according to population. We have at this time 30.9 miles of paved streets. Of this there is one mile of brick; three miles of cement concrete; one mile of creosoted wood block; 18.9 miles of asphalt, and seven miles of asphaltic concrete. Our experience with these various kinds of pavement has been no different from yours in the cities you represent. We have the good and the bad and at this time we are trying to do the best we can to lighten the burden of the property owners.

Our first brick pavement was laid in 1896. Two notable events happened during this year. This was the year that William Jennings Bryan talked the free silver plank of the democratic platform, and sprung into more than national prominence. While all this noise was being made with the silver dollar issue, Fort Dodge was putting in her first brick pavement. Now after serving his party for nineteen years, the year 1915 will go down into history as the time of his retiring. This same year will be memor-

able to Fort Dodge, on account of the tearing up of our two course brick pavement and replacing it with asphalt in the business district. Thus the democratic party loses an untiring and faithful worker, and Fort Dodge loses, some very poor paving, but both have given good and efficient service.

In regard to repaving or the resurfacing of streets, I would be pleased to learn of the others. There is a wide difference of methods used by other cities in handling this expense. This is the first repaving we have done, although we have in the past made some extensive repairs. The plan used by some cities in the east, is open for criticism, and I question whether it has ever been used in any city in Iowa. The city of Boston has in the past assessed the cost of the first improvement to the abutting property and laying the burden of all subsequent repairs and renewals upon the city. The tendency of this plan is to encourage property owners to insist on the cheapest form of pavement and later if a better form of street is desired, the abutters would be relieved from paying the cost. As a contrast to the Boston plan, the city of Utica, N. Y., pays one-third the cost of all original pavements and of all renewals. The city itself pays for all minor repairs between the time of laying the original pavement and the necessity of reconstruction or resurfacing. This system has worked so well in Utica that the same policy of municipal financing has been applied with equal force to parks, sewers, boulevards and all other features that make a city a comfortable, healthful and desirable place in which to live.

Fort Dodge has tried out many systems of paving assessments. These have varied from assessing the entire cost, to the abutting property, including intersections; the assuming of cost of intersections by the city; the dividing of the cost of corner lots with balance of contract, and the allowing of a discount covering the entire district. The plan adopted four years ago by the present administration, has proven by far the most successful and to this time has been universally satisfactory. We assess inside lots full frontage the corner lots full frontage and one-half the depth on the side. The balance of the corner property cost is spread over the entire district including the intersections. From this we make a discount of from ten to twenty per cent, which

is credited to the contract and which is assumed by the city. This equalizes the expense of each piece of property; makes the burden for the property directly benefited lighter and places the balance in the general levy where it justly belongs, and where the city as a whole derives benefit.

RESURFACING AND REPAIRING

One of the most vital questions before the larger cities in Iowa, at this time, is that of the repair or resurfacing of worn out or bad pavement. Without going into the merits or demerits of the different kinds of pavement, Fort Dodge has reached the point where considerable money must be expended each year in the future for the repair of paved streets. It is some information along this line that I hope this paper will bring out. We have one mile of street paved with the two course common brick with sand filler. At the time this pavement was put, in which was our first experience, there was a demand from property owners to "patronize home industry". This was done and the brick were made by our two local plants. The fact that they have served for nineteen years is a test of their quality. Some of this pavement is now being replaced by asphalt with a five inch concrete base. Since this work was commenced I have wondered if it would have been practical to resurface this pavement allowing the brick to act as a foundation for whatever kind of surface might be selected. There are a good many depressions in the old pavement showing where the brick have settled into the earth foundation, or where old excavations were made. It would be reasonable to assume that after nineteen years in service with heavy traffic, that there would be no need to expect any future trouble from this source. If this could be assured, then the resurfacing would be practical and at a much lower cost to the abutting property. To this time I have never been able to secure any direct experience where resurfacing has been done on a brick foundation, but there may be some.

We have just completed some extensive repairs on our three miles of concrete pavement. This contract carried a five year guarantee part of which expires this year. We are obliged at this time to do considerable repairing on our asphalt streets. This pavement has one and one half inch surface and has been in service from nine to twelve years. Our creosoted wood block

paving has been very satisfactory, with exception of portion laid between the street car tracks. The trouble from this is not so much the fault of the pavement, or its construction, as it is the fault of the kind of rail used. We experimented a year ago, using brick block between the rails. This has given such favorable indications of its "staying" qualities, that we recently let a contract to replace the wood block between the rails, with brick. We put in our first asphaltic concrete three years ago, and so far there is every indication of its giving the best of service.

EXCAVATIONS IN PAVED STREETS

Every city has its own troubles with openings in street pavements. No matter how thorough you are in your efforts to have all underground work done ahead of the paving; the plumber, the sewer, the water, the telephone company, the electric light or gas company, is bound to make an opening necessary. This not only shortens the life of the pavement but there is danger to traffic; the openings are unsightly; and are bound to become a source of expense to the city.

There is no complete solution of this problem, that seems practical at this time. Subways might be used but the cost of these are prohibitive. Some cities require the utility companies to put all their work under ground. This is a great help to the appearance of streets, and does away with the unsightly polls, but it is no proof against the opening of pavements, although it is a great help and should be more extensively adopted by cities. Some cities have ordinances, in force, making this a necessity, while others have an ordinance which virtually prevents any opening in a newly paved street for a period of three years. An ordinance of this kind in my judgment would be too drastic and I am afraid would be too frequently violated.

One very important step in an intelligent control of street openings, is to know what you have under the pavement and where pipes or wires are located. This information should be in the form of charts or prints, and should always be on file with the city clerk or engineer. A record of this kind would have an unlimited value to the city, besides the saving in cost where an excavation is necessary.

In conclusion, I would like to hear a thorough discussion of some of these questions.

I know that there are others present who are just as eager as I am to learn what experience has proven on this very important subject. We live to learn, but the active civic life of the average city official is so short that we must of necessity be of all the help we can to each other in the time we are permitted to serve the public. We should at least leave a legacy to our successors of work good and faithfully done, by poor and inefficient officers. At least this is the most of the credit we may hope to get out of our efforts, no matter how conscientious we may have been in our efforts to faithfully perform our duties.

DISCUSSION

The President: This report comes from a party who has been an observer, and has had an experience covering a period nearly twenty years in the matter of street paving construction, he has given you his views on the subject, and the matter now is open for discussion by the delegates.

Mr. Crowley: I find in listening to the report of Mr. Smith; the paper just read; that Fort Dodge is similar to our own city of Davenport in the matter of paving. Some 26 or 27 years ago Davenport paved their first street, in 1889. At that time a two course brick construction was used; about five years ago we removed that class of construction and replaced with asphalt on five inches of concrete; later on the plans have provided for macadam foundation. At that time the quarries were very scarce in our county, and difficult to get the stone of the required dimensions; the stone was about what we call Rubble stones, and then small hammers were required to reduce them to smaller sizes, and in that respect the cushion of sand went down at the ends of those stones, some of them four or five inches in diameter. Before the paving had been down any length of time, the result has proven that the sand had left the cushion and filled up the cushion with stone, and therefore caused an uneven surface of paving. We then adopted a specification using a cement known as Milwaukee cement, and that was nothing more or less than blocks of cement patched together, we did not have the smaller sized stones that we are able to get today with crushers scattered over the state. At that time there was no allowance, or no thought of the coming necessity for the

connection of houses for water and sewer, and considerable of the paving was along tracts of land that were not improved at that time, and the council did not require the property owners to make these connections with the result that the property has been improved and required these connections to be made. In the neighborhood of six or seven years ago our council passed an ordinance requiring that all property owners be compelled to make all connections, sewer, water and gas, from the mains running through the street to be improved; failure to do so on proper notice, the city then ordered the construction under its board of public works and made a special assessment against the property and collected it as such. In that way we were able to get the connections of all the lots or property abutting on the street, and the ordinance further provided that no one that failed to make that connection would be permitted to make connection for five years. That, however, was only in case it became an absolute necessity by breaking of the main, through a petition or resolution referred to the council and the council's action. Now, later on, the matter of foundation was changed to a Portland cement with one course of brick. Some of our asphalt that we have on our paved streets was put down in replacing the old original brick paving and that pavement at the present time has not given satisfaction, that is, it is not a success so far as the business section of our city goes. We have had in the last couple of years—it has only been down now five or six years—we have had considerable repairing. However, we have some asphaltic pavement put out in the residential limits, that is giving excellent results.

Now the question of street paving; some of our present old construction, brick paving, came up in the last session, and we had seen fit to advise with Des Moines and Cedar Rapids as to what their experience has been in resurfacing some of their old brick paving with an asphaltic concrete. Our paving committee and board of public works made quite an extensive investigation and decided to put down a couple of blocks on one of our streets right in the city that does a large volume of business, and the heavy hauling on that street is about as much as any street in the town, and this being the first year of paving, we find so far it has given excellent results. That was on a two course brick paving. Now

we also have some paving that was put down in the year 1896 on sand foundation, cutting out the concrete or macadam base. Where the pavement of that character was put down on a good grade where it has a suitable drainage it has given very good results out in the resident districts but we have a number of these streets on low grade with the result the paving is quite rough and in bad condition. In the city of Davenport, we have probably 15 miles of paving where the brick should last for a term of 15 or 20 years by relaying—taking up and relaying on a new surface. We have quite a number of brick that was made in the early years of poor quality. We have an excellent quality made at the Galesburg plant, and they are a hard brick, vitrified brick, hard, solid, good wearing quality. But the question of taking care of this expense. My idea was there might be such a thing as an improvement on paved streets with reference to repaving. If other cities that have the same conditions get together on some plan, where it would be necessary to make the repairs, by taking it up and relaying it, that it might be done at a very nominal cost. I know the cost, the original cost of the brick was about half the cost of the original paving per square yard. My idea, that it could be taken up and relaid for not to exceed \$1.00 a yard, that is, taking into consideration filling up the depressions with a concrete so you have a uniform two inch cushion of sand all over the sub base, and it would be put in a lasting condition for a term of years at a nominal cost, and it would seem to me the property owners in general, where they have a street unsightly and uneven, and dangerous to traffic would be in favor of that class of improvement. The additional cost coming after the cost of the first paving, the property owner as a rule objects to it unless it is down in the business section and there we get some objections also.

And another thing that occurred to me was the question of the connections that are put in after the street is paved that is not altogether successful, because we have got to keep a large force of men and there are fifteen or twenty plumbing contractors, who are the only men that are permitted to do that, get licenses or permits to make those connections.

It seems to me that if things could be arranged whereby the city could anticipate a year

ahead the streets that were going to be paved, and make an ordinance requiring the property owners to make their connections, the excavations would have time to settle, and in that way we would not have to break up the pavement, and avoid this unsightly plan.

Now these are some of the thoughts that I have had with reference to the repairing, and the thought occurred to me that our committee on legislation might look into this and agree to some amendment to the paving law and also whether the city might have the privilege to anticipate their improvements by giving proper notice.

Mr. Smith: I would like to ask the gentleman the kind of base that is under the brick that he refers to, is that a concrete base?

Mr. Crowley: No sir, it is a macadam base.

Mr. Smith: I would infer from your experience that that would be true. I suppose that it would be advisable to resurface a brick street with a macadam foundation, I would not advise to resurface with a two course brick foundation. I consider it advisable to resurface if the brick is in such condition that it isn't fit to take up and relay. Now those brick that I speak of that we replaced last year were old brick that were manufactured by a local concern, they were not a vitrified brick, but an ordinary hard brick, but the lower course was a common ordinary building brick. Those streets were in such condition that the traffic had worn a rut down through the two courses.

Mr. Crowley: That is something we are not very much interested in because we have just taken up about one mile of our brick, they were every one in good shape as when they were put down, the top course was worn down to perhaps an inch and a half in thickness, but we have some more that would last for a term of years and the question would be, whether it is a waste of money to take those brick up or resurface, there is the proposition. We have some that is only one course brick, but the most of it is two course brick.

Mr. Smith: One course on sand?

Mr. Crowley: Yes sir.

Mr. Smith: Cedar Rapids' first experience was also one course sand, as I remember, they seemed to be very well satisfied.

The President: The fact is, the trouble regarding brick pavement has been brought about by the use of the ordinary brick in our early experience of paving, there has been used brick of common quality without proper foundation under it. Now I have had an opportunity some years past to observe the paving in my old home county and city—the county of Cuyahoga and city of Cleveland, Ohio. Euclid avenue which carries probably as heavy a traffic as any avenue in that city was paved something over twenty years ago with a brick block surface on sand foundation, that pavement is in a fair state of preservation and doing good service today. But recently—in recent years they have taken up the matter of the Shale brick block, vitrified brick block on a five and six inch concrete foundation with a sand cushion, with pitch or asphalt and in some cases a cement filler, which I don't think advisable to use in towns of our class, the result is that in that city and in that county they have discarded the use of all kinds of material for pavement work except the very best grade of brick, vitrified brick block on this sort of construction, five or six inch foundation, the blocks varying in size according to the locality they are put in—four by eight—four and one half by nine. That city is being paved with all sorts of pavement with that sort of construction, and there is over four hundred miles of that brick block pavement outside of the city limits in that county, that is giving perfect satisfaction, and they have no trouble about its repair and there is no complaint about its durability. The trouble is that if you mention brick in Iowa, they will refer you immediately to some construction that was put down with brick of the character that has been referred to, put down twenty odd years ago in that neighborhood, and at this time has been in rather an unsatisfactory condition, and our people generally forming their opinion of brick pavement with the experience with that sort of construction which is entirely out of date and is not being put down in any country that I have any knowledge of at the present time. Now that has been my experience in the matter on the paving proposition.

Mr. Cole: I want to say in reply to Mr. Smith that in Cedar Rapids, on Second avenue you will find where they have put asphaltic concrete on brick with the same foundation that

had been there a number of years, and I saw it the other day and it was in very good shape. We are putting in seven miles of paving in our city, and we have been through all the trials and tribulations. We put in, thirteen years ago, about three miles of brick pavement on a concrete foundation with a Purington brick block, it is as good today as it was the day that we put it in, and we have never had a cents worth of expense. The only objection to it is, the people, like the women, put rubber heels on their shoes so they wont make so much noise, it is a little more noisy. I was surprised to see when I was in Buffalo last year, there are two streets, one parrallel with the other, they have both the asphalt filler, but one has a two inch sand cushion and the other street one inch sand cushion, and as I was traveling along with the engineer he says, "Notice the difference in the noise of those two streets, both have the same foundation except one has an inch of sand and one has two." I was surprised to note that the one that had the two inches of sand between the brick and the concrete was the noisier pavement of the two, and he went on to explain that when the filler was put in it gradually hardens and that the sand will leave little pockets and it will act like the sounding board on the piano after it has been down a little while. The less sand you have seems to make your brick set square and makes the least noise in your pavement.

We are getting a very good price on our paving, we think. We are getting asphaltic concrete at \$1.46. We are not as close to the gravel pit as many of you, like Fort Dodge, have to ship that to us. We are paving about a mile and a half of our alleys with one course seven inches concrete without any curb, with the drainage in the center of the alley and we are very much pleased with it. We put in some of it not long ago. That is one nice thing, there is no curb in the way.

A Delegate: What did you pay a yard?

Mr. Cole: We paid this year \$1.23 a yard. There hasn't been any of it laid for over five years. But don't use the Topeka specifications. Now don't lose sight of that. We have in our specifications, granite chip instead of the Topeka specifications, there is where the life of your pavement is and that is what we used in all of our pavement.

Mr. Tucker: We have paved several streets and alleys of concrete, we put in six or eight inches of concrete, one course, we paid \$1.25, we had very fair success with it. In the past three years we paved something like four miles of vitrified brick on a concrete foundation running from four to eight inches. Usually on long strips is six inches, at the curb line, and eight inches where they meet the street car. Of course as to the life of paving in the street car tracks we are not concerned about that, we have a franchise says that they are to take care of the center seven feet of the street, so the street car company worries over that more than we do. We have had this experience in the tarvia or so-called Dolarway, we paved about a mile of that, it has been down three years and they have been trying to keep it in repair ever since.

I hope if there are any delegates here intending to use any of that, that they will profit by the experience we have had and keep away from it. The citizens of Clinton would not listen to putting in any other pavement on our main business streets, vitrified block and a good concrete base and sand cushion, that is the pavement they want.

Mr. Lockard: I would like to ask the gentlemen from Davenport whether in resurfacing brick with asphaltic concrete, they have used what the contractor sometimes call the binder, I would also like to know what the cost is?

Mr. Crowley: To begin with we prepare the foundation as I stated before, by filling up the ruts, and filling up the sub base of the concrete, then we let the contractor provide himself with certain tools that would dig the dirt out between the brick for a distance of half an inch. We move that away and sweep it I should say a half a dozen times and then we spread a little coating of cement ahead of our soft coat, which aided the adhesion of the soft coat to the brick. The surface of the brick being of so small dimension, only about two by eight, the old style brick, we had a broom there. There is no evidence of the creeping of the surface as there is in regular asphaltan surface. The cost was \$1.31 a square yard for the two courses. We were supposed to have two and one-half inches, but it ran up to three inches where the depressions came in, pavement had to begin with the surface.

Mr. Weeks: I would like to ask a question

for my own information. A week from today we are going to let the contract for paving. The contract or specifications doesn't name the kind, but there are different kinds of pavement that have come up, I would like to ask these gentlemen a question here, whether the conditions of the territory—that is we are in a hilly territory, most of our pavement will be upon a grade, whether that makes a difference in the kind of pavement to be selected. If any one can give me any information on that I would be glad to have it, I am anxious to get all the information I can to carry home.

The President: I think the Davenport people would be able to give you that information, they have that sort of condition to contend with in the city of Davenport.

Mr. Saul: The city of Dubuque has today some of most every pavement in the market. The first pavement was the brick pavement laid twenty two years ago. I think the biggest trouble is with the contractors, they will shirk on the job, where the specifications call for six inches of concrete, we find that it is quite a job to hold them to it, they would rather put in three or four. Now we have tried the whole line, brick, creosote block, asphaltic concrete and brick block pavement, and we have had the best results from the brick block pavement with an asphaltic filler. There are two different ways according to my judgment of paving with asphaltic filler, some who have contracts calling for asphaltic filler, go along and try to use as little asphalt as possible by filling the joints, and use a lot of time, whereby another contractor working on the same specifications, will flood this paving, claiming the time he saves in flooding it, will more than pay for the extra cost of the material, that the flooding is the cheapest and I think it is, and also gives the best results. We have had contractor just finish a mile and a half of brick block. The contractor's name was Jones, he came into the city, and there was none of the contractors in Dubuque knew Mr. Jones was in town, he looked the specifications over, and dropped his bid in the ballot box, and he proved to be the lowest bidder and was awarded the job, the home contractors went up in arms, wanted to reconsider the action of the council but we

concluded it was not best to give them another chance at the job, and the contract was awarded to Mr. Jones of Racine, Wisconsin, and it is the best job of brick pavement that was ever done in the city.

The President: Jones paid the freight.

Mr. Saul: Yes sir, Mr. Jones pulled the stunt, and he gave the city a very good job, and it is the same in all classes of pavement, to get the work done. The first job that I spoke of has been in use for twenty-two years, the foundation was made of Milwaukee cement, about sixty cents a barrel at that time, if I remember right, today made out of Portland cement, it costs probably a little over double, and we can't get as good results from the pavement now as we did when they put in the base with an ordinary cement, for the simple reason that the contractor won't put in the cement. I have been in the contracting business myself, and I know when the work is done. I have been in the contracting business continually for twenty-two years, not in street contracting, I don't want to get that class of work, they are too strong for me.

A Delegate: How much a yard did Mr. Jones get for putting it in.

Mr. Saul: I think it was around \$1.80, I think fifteen or eighteen cents better for an asphalt filler. Now some times the pavement will call for an asphalt filler and they will give you a pitch filler, the pitch filler will cost about half what an asphalt filler will.

Mr. Sourwine: Don't you have an inspection of your filler?

Mr. Saul: The engineer is supposed to.

A Delegate: What do you think about the cement filler?

Mr. Saul: Just the cement filler why I think it is throwing money away.

WOMAN COP FOR IOWA CITY

Students at Iowa University now have a policewoman to take care of them if they become unruly. Miss Lenora Johnson was named as lady cop today by Mayor Koontz of Iowa City. Miss Johnson's first big assignment will be patrol duty the night of the Ames-Iowa game, November 13.

Engineering Co-operation for Small Towns

By Richard R. Price, Director of University Extension, University of Minnesota, and Secretary of the League of Minnesota Municipalities

The citizen who is elected mayor or councilman of a small town in the United States soon finds that the tasks and problems which confront him and his colleagues may be roughly divided into two great classes. In the first class fall those duties and undertakings which require for their successful management only common sense, business judgment and administrative ability. Fortunately these qualities are not rare among ordinary American citizens. In the second class may be placed those administrative functions and those public enterprises which require for their planning and execution certain specialized or technical knowledge and skill. This expert knowledge is, in the nature of things, not so common in the small town.

When it comes to framing and administering ordinances, directing fire and police service, adjusting taxation, and regulating the rights, privileges and duties of citizens, the average member of a small town council shows a certain rough and ready efficiency—an efficiency which is partly to be ascribed to the characteristic American individualism and powers of initiative.

But when it comes to the construction and management of public utilities, such as water, gas and electric plants, or the planning and building of a sewer system, it is found that good sense and honesty in the officials are not enough. There must be added to these essential qualities expert knowledge, technical training, and experience. In other words, the advice of a trained engineer is needed.

The trouble is that in the average small town the citizens and the officials place too much reliance on those qualities which I have just now praised—namely, common sense, honesty and initiative. They believe that since a rail-splitter could be president of the United States, a baker or a butcher can plan and construct a waterworks.

We Americans have a chronic distrust and fear of the expert. This is shown in all our public assemblies, from the congress of the

United States down. Each of us likes to feel that he knows just as much about a given subject as any other man—and perhaps a little more. In Europe, on the contrary, the tendency is to magnify the engineer and to take professional advice on all public works.

This is one reason why the small town government is so slow to employ expert engineering talent on municipal works. And yet in many small towns the engineering problems are numerous and weighty and require experience and ability for their solution.

Professor Frederick Bass of the University of Minnesota has summarized the engineering problems of the small town as follows:

Water Supply—Are we getting plenty of pure, soft, clear water at minimum cost? Is our coal costing us too much? Are we buying it according to its quality or regardless of its heating value? Are water rates right? Should we use meters? How much of the plant is for protection, and how much ought the community to pay of the upkeep of the plant for this purpose? If we wish to get more water, how shall we go ahead? How shall we get plans and advice as to the proper steps in buying machinery and in operating it? Is the fire protection and pressure right?

Sewerage—How shall we get water out of the cellars? If we are to have a sewerage system, must we have pipes large enough to take storm water or small ones for house sewage only? On what streets shall the sewers be laid? How deep shall they be? Is sewage purification necessary? If so, what degree of purification shall be adopted? How is property to be assessed for cost of construction? How much shall the city as a whole pay? What care does the sewerage system need for maintenance? What features of construction should be included to make the maintenance easy and the cost low?

Electric Power and Light—Is municipal ownership in combination with the water works, or private ownership operating by franchise, more desirable? Can a number of neighboring cities combine in supplying themselves with power and light to advantage? Is our station equipment adapted to our needs? Is it being operated at

the least cost? What extensions or alterations could be introduced to give better service? Is our street lighting too costly?

Streets and Pavements—Are the grades of our streets, sidewalks, curbs and street crossings worked out and put on a printed plan for use and guidance as improvements are gradually put in, or are sidewalks too high or too low or uneven? Have we a map of the city showing the elevations of existing street structures? What is the best surfacing for our streets that we can get from local materials? If we pave, what material shall we use? When use wood block, asphalt, concrete, brick, macadam, bitulithic? What results do we expect from each? What width should the street be? What trees should be planted?

Refuse Disposal—What is it possible for a small city to do to keep its streets and alleys clean? What can best be done with the refuse? What is the cost of an incinerator, and what does it cost to run it? What other methods of disposal are satisfactory?

Building Laws—What building regulations and restrictions should we place in the ordinances for protection against fire and disease? Who is going to enforce the regulations? Who is going to give the permits?

As has already been stated, many of the small town officials have an unreasoning and unreasonable fear and distrust of the expert or engineer. One explanation for this has already been given. Another is that sometime in the past the officials have been victimized by some charlatan in the guise of an engineer or have been charged an unreasonably high fee for services rendered. Often they do not know how to go about finding a competent and reliable firm whose fees are as low as are compatible with first class service. Yet such combinations do exist, plenty of them.

The fact should not be overlooked that many towns, especially the smaller ones, are greatly in need of engineering service and are not aware of the fact. I am speaking now of that whole class of towns that are too small to hire a competent city engineer on full time. These towns from time to time put in public improvements. They build a municipal water or electric plant. They put in a system of sewers. They lay paving, establish sidewalk grades or build bridges.

Much of this they do without planning or supervision by a competent engineer. In this way blunders are perpetrated on the taxpayers which would be ludicrous were they not so expensive. Works are put in without reference to

other supplementary works and without provision for the town's future growth and development. A waterworks intake is located at the very place where the outlet for the town's future sewer system will have to be.

A sewer system is built with the pipe laid at such a pitch that if it ever has to be extended to another part of town it will strike the houses about the second story windows. Six-inch piping is laid when the growth of the town will inevitably demand ten or twelve inch piping in ten years. No attention is given to the co-ordination and the correlation of the various units of public works, however much they may be interdependent.

Of course all these blunders have to be repaired in future years, usually by the tearing out of expensive equipment and the installing of new. All this is pure waste and is at the expense of the taxpayer. It could all be saved by doing the work right the first time under the supervision of intelligent and well trained engineers.

The fee paid such an engineer would be saved over and over again through the economy effected by having the work done right and in accordance with the best experience and practice, instead of being botched and bungled and needing replacement in a few years.

Here we have on the one hand the small towns needing engineering advice and supervision but feeling unable to pay the fees charged by the experts; on the other hand we find the engineers forced to charge high fees for their services because their employment is intermittent and uncertain. What is the solution of the problem?

To the writer the answer is found in the magic word "Co-operation". As men in all walks of life combine to obtain cheaply as a body what they could not afford as individuals, so towns and villages may combine for the common good. The idea is not without precedent.

Already in several parts of the country adjoining towns are accustomed to unite their revenues so as to be enabled to secure for their joint benefit a superintendent of schools of far greater ability than any one of the towns could afford to employ separately. Why not extend the plan to embrace engineering services?

The large cities maintain on continuous ser-

vice a force of skilled and trained engineers, who devote themselves to the problems of the municipality. No one doubts that it would cost these cities immensely more money if they hired the engineers under competitive bidding for each job.

The small town does not have work enough to warrant it in keeping an expert continuously employed, but what is to prevent three or four or five adjoining towns combining to do this? Or still better, why should not fifty or a hundred towns belonging to a state league unite their funds and jointly sustain a staff or bureau of highly trained and experienced municipal engineers?

Under such conditions the small town would have at its command professional service equal to that available for the large city. Under such circumstances officials would make larger use of experts than they do now. They would learn that it is the poorest kind of economy to try to save an engineer's fee, and that often a little money spent now means much money saved later. Moreover, they would distinguish between engineers who are engineers and those who are also contractors or agents for patented equipment.

There would be real economy in the use of such a co-operative engineering bureau. A small engineering staff continuously employed could easily take care of the work of a hundred villages. The engineers, surveyors and draftsmen could all afford to work for lower per diem fees because of the assurance of continuous employment and the elimination of the cost of getting business. There can be no doubt also that with this plan there would be a great increase in the use of engineering services. The towns would quickly learn to use and rely on expert advice and would undertake no public works without calling in competent engineers.

It is not my purpose in this paper to draw up a detailed plan of organization whereby towns may co-operate in the employment of engineers. The essential principles are that an engineering bureau of competent and experienced men should be organized, that a number of towns should agree to use the bureau exclusively for all their work, and that a scale of fees should be established for the services to be rendered.

It is important that the engineers selected be men of high standing, with good training and with experience in the various kinds of municipal work. The administration of such an engineer-

ing bureau might well be a function of the state league of municipalities, through its secretary.

Such an engineering bureau has been attempted during the past year by the League of Minnesota Municipalities. It cannot be said, however, that the experiment has proved successful. The trouble is that the plan did not go far enough. No fund was paid in by the cities, no engineers were on salary, no definite organization of engineers was made. A consulting engineer was appointed, who agreed to procure competent and reliable engineering service for such cities as applied to him.

The professional consulting engineers of the state vigorously opposed the plan. Moreover, the fact that the secretary of the league is a member of the faculty of the University of Minnesota and the chief consulting engineer is also a member of that faculty constituted a real weakness in the plan, because it subjected the university to criticism in the state.

The Extension division of the University of Wisconsin has a municipal and sanitary engineering service. To this service a sanitary engineer is attached, whose chief duty is to give technical preliminary advice to cities on their municipal problems. At first, there was opposition on the part of the consulting engineers of the state, but this opposition was soon disarmed and converted into co-operation when it was learned that the university engineer did not attempt to do the work, but always advised the employment of a consulting engineer when he deemed such service necessary.

The problem in Wisconsin as well as elsewhere resolves itself into the question whether consulting engineers wish to be retained only when their services are necessary, or want the jobs in order to get the fees, whether they are needed or not.

In Iowa, some progress along these lines has been made both by the state university and by the state college at Ames. There is a Bureau of Municipal Information at the University which avoids doing engineering work but does advise with municipalities as to the necessity of securing competent engineers for municipal work.

At Ames, the Engineering Extension Department and the Engineering Experiment Station have united in organizing a Technical Service Bureau, with an engineer at its head. This bureau

sends out specially prepared bulletins on engineering subjects with particular reference to municipal work. Upon request it will also send out an engineer to visit any town and advise the citizens, the commercial club and the council as to the proper steps to take to solve their problems. When this advice has been given, however, the city must employ private engineers to make plans and specifications and carry on the construction.

These are all steps in the right direction, but they do not go far enough. There is no reason why towns should not combine and procure all their engineering service from one organization, which in turn will devote itself to them. I believe that the consulting engineers are unduly alarmed when they fear loss of business through this plan. If towns once get in the habit of consulting and using engineers on all proper occasions, the demand for engineering services will double and treble. I am convinced that these things are true:

1. The small towns have need of more and better engineering service.

2. Under present conditions they are averse to employing competent engineers for all their work.

3. Therefore waste and inefficiency are encouraged in community enterprises.

4. A co-operative engineering bureau would encourage the use of engineering advice and in the long run would promote real economy.

I am convinced that this idea of a co-operative enterprise among communities is sound and that some day the plan will be worked out and adopted. Both engineers and the public will thereby be benefited. In conclusion I cannot refrain from quoting once more from Prof. Bass:

"There is an inevitable conflict between this plan of a salaried corps of engineers and the free-for-all bidding of engineers against each other. If the ideal of the engineer is to serve the public best, he must favor the plan which will ultimately give the surest and best engineering service to his clients."

DISCUSSION

The President: This report of Prof. Price is certainly appreciated by the League. I think from the information and experience we have had with Mr. Price that it ought to be appreciated, and we certainly appreciate this report.

Mr. Pierce: In connection with this report of Prof. Price I want to tell you what we have

been trying to do in this state. About a year ago he Iowa State College at Ames undertook to formulate a plan to do a great deal of this work for the small towns, and plans were drawn up as to how much work they would do; they expected to do quite a great deal for the smaller cities and towns and the larger ones if such cities wished it, for simply the expense of the engineer going out. They have a very competent corps of engineers there, as you all know, and some of them make a specialty of sewer systems, some of them waterworks, and some this, that or the other thing. A plan was sent out over the state but met with the opposition of a number of the engineers of the state, and this is what I want to tell you about, more than anything else, because I want you to know the position of the engineers, who come to you for employment. The engineers took the position that inasmuch as the state college was turning out engineers that it should not compete with their profession.

I attended the meeting of the State Engineering Society at Iowa City last winter, and took up this matter with the state engineering society and tried to arrive at some conclusion as to just how far the state college could go, or would go, but it was pretty difficult to get the engineers to say very much—they talked a great deal about their consulting work but they were bitterly opposed to the state college doing anything along this line.

I suggested to the engineers that we had another difficulty, that we did not know who were the competent engineers of the state, that they all claimed to be engineers and they were willing to undertake to draw plans and specifications for anything from a water works system to a sidewalk or crossing, and I suggested to the society, as a protection for the cities and towns, that they classify the members, but they didn't seem to be in favor of that. It strikes me that the city officials of this state could do a very good work by letting the engineers of the state and the engineering society know that we do not approve of this position that they take.

The committee of the league took the position that the cities and towns paid taxes towards maintaining the university and state college and that the cities and towns are just as much entitled to some free service as the farmer, and as you all know the state college maintains a very exten-

sive farmer corps and it is an excellent thing, something we all approve, but we people of the cities and towns are paying for that and the committee of the league believed that we were also entitled to some free service. And the only thing that is standing in the way today of the cities and towns getting a great many times the amount of engineering service and information from our state college than we are getting today is the opposition of the Iowa Engineering Society. If we can overcome that we can get the service. I want the members of this association to know, first, that the state college is anxious, no not particularly anxious, but they are very willing to do this work for us; second, that on account of the opposition of the Iowa Engineering Society the college authorities feel that it would not be proper for them, in view of this opposition, to do any more than just strictly preliminary work.

I might say in regard to this preliminary work that I think the cities and towns, and especially the towns could get a great deal of good out of even this preliminary work if they would call on the college more and more. The reason we are not having more of this, is not with our state schools, but rather with our Iowa Engineering Society.

Mr. Price: May I just add a few words. I want to give the experience that I have had. Some time during the past winter, after the Minnesota League had organized this work, I received an invitation to address the Minnesota Engineering Society, corresponding body to the one Mr. Pierce referred to. I went over there and read a paper which outlined the ideas and purposes of the League of Minnesota Municipalities, and at the end I touched diplomatically and politely as I could upon this very point. When I got through with the paper it was half an hour before I could say anything. I suppose there were probably around forty men in the room, and the thing finally simmered down to this: that the engineers could not dispute the right of any group of cities getting together and doing what I suggested in my paper just now, hiring engineers on a salary basis, thereby reducing their expense. They couldn't dispute that, of course, but they did say we want the state to keep out, and of course as I have indicated in my paper, the University is sensitive to that kind of attack because we have to go to the state

legislature for our appropriations, and they can stir up a lot of opposition. Therefore we had to abandon that thing, and yet it seems to me that if the city officials and the towns of the state—either Iowa or Minnesota—should rise up and demand reasonable free service of any state institution, the same kind of service the farmers are getting over the state that they would get it. We are entitled to it, we help pay taxes. I believe we could subdue the opposition of the engineers, which in my mind is hurting them as much as anybody else.

If this plan were adopted engineering service would be used a great deal more, and they could probably sell \$500 worth of services where they are selling \$100 worth today under the conditions that I have outlined. I am sure of it. What we want to do is to make the engineering service more popular, yet they themselves, the engineers who would be chiefly benefited, are the ones who are resisting.

Mr. Mulligan: Wouldn't it be just as well to say that the attorney should be employed from any particular school, as it would be for the engineer. I believe in the co-operation of towns for engineers, but I do not believe they should be restricted to some one head where they get their service, I think that would have the tendency of excluding some of our best and ablest men, because they do not stand in with the head of some college, and they will say we will send you so and so, or other professional men, that was my thought along that line. I believe fully in what Professor Price said about the engineers, I think the small towns and even the larger towns at times spend a great deal because they have not been permanently hired, only by periods, for one building, there is no question about that, but I do believe that the small towns could under a combination, and getting the service of the best engineer, get a better service and everything would go along without any friction between the state and municipalities.

Mr. Farrell: Isn't it a fact that the small places who want to employ the services of an engineer can do so on the commission basis, percentage, and on this plan wouldn't it be practically impossible to get a man within a reasonable length of time under the combination. That would be the main thing from my stand point.

Mr. Pierce: I don't think that under the plan proposed there would be any idea of prohibiting any city or town from hiring any engineer that it desired, that this service would not be compulsory, in any way. But I just wish to call your attention to this, that the State Board of Health in the last article in the bulletin marked health, refers to the bill that puts the sewerage proposition and sewer sanitation of the cities and towns under the State Board of Health, provides for just such a system of engineering so far as all sewerage matters are concerned, and that would of course include water works and sewers and anything that would have to do with the general health. They have some such a scheme as that under the State Board of Health with Mr. Higgins at the head of it, and the State Board of Health now sends Mr. Higgins to any city or town in the state absolutely free. Of course you must pay the expenses, but the State Board of Health in any sanitary matter, in the nature of water supply or the matter of sewerage or sewerage disposal or garbage disposal or anything that has to do with the health of the people, will send their engineer, Mr. Higgins, who is a competent engineer to your city or town, however large or small, absolutely free and give you all this preliminary advice.

But the danger is this, the State Board of Health and the state are gradually taking over all these powers, and that is a thing that I am opposed to. That is the reason we opposed the bill in the legislature, we don't believe the State Board of Health should have absolute control over our water and sewers and one thing and another.

So far as the service of the Attorney General is concerned in the matter of advice we already have that in the Attorney General's office. I think that any city official or city attorney of the state who would write to the Attorney General for an opinion on municipal questions, would get the same absolutely free. The Attorney General is giving a great many opinions on municipal matters, and municipal officials otherwise would have to go to some attorney, and probably get an opinion that would not be—probably not as well thought out, because you all know the average attorney general has very little to do with municipal law.

Mr. Cole: One thing I see in regard to this engineering that needs looking after from an

angle which would do more good than what we have been talking about in a general way. Now as soon as the engineer graduates and goes into the field of work—there is no other profession as important, that can enter the field, even though he graduates from college unless he passes an examination before a board and receives a certificate from the state, in order to transact his line of business. Now if we had some kind of board that would pass upon an engineer, and he would be recommended to us as a civil engineer or an engineer. That is the most important thing that I think we could possibly do, let him pass that board the same as the teacher that graduates from the university must pass the board of education of this state to receive a certificate to teach school, and the lawyer has to pass the board of examination to enter the practice of law, or the physician pass the state board after he graduates to receive a certificate. It seems to me that the engineer should be brought under the same conditions, and whenever he would get a certificate it would be his recommendation.

Mr. Spelman, City Engineer Council Bluffs: I was not here to hear the paper read, and I don't quite understand what this idea is, is it an idea that these small cities around are clamoring for cheaper engineering service, or is it that the state college at Ames wants a place to get experience for her students? I can't figure out which way you are headed on this. Dr. Cole just now spoke about a very important matter, and a great many engineers were back of that movement, we tried to get a bill passed last session of the legislature to regulate engineering, to make an engineer—civil engineer—have a certificate before he could practice in this state. That, I think, is a very good move, but in regard to the other part of this discussion I can't tell which way you are heading, and I can't see why there should be any friction at all between the state college and the engineers of the state. We have a problem here that is called the Indian Creek problem, and it has been discussed pro and con for twenty-five or thirty years possibly, various solutions have been offered for that stream. This last spring the commercial club here became personally active in the matter of solving the Indian Creek problem, because we had had considerable damages in the years gone by from this creek, and they wrote me a letter and asked me if I had

any objection to Dean Marston and his assistants coming here and working with me to solve this problem, and I immediately replied and told them that I had none and that I would do everything in my power to work with the Dean and his assistants to solve this problem.

But you are going further, in what Mr. Price spoke about there, you are getting to the point where you are not going to have any engineers at all. The gentlemen said the engineers were in wrong because they didn't get back of this proposition and boost for this free service, but I fail to see where they are in wrong, if you are going to have all the engineering done around the state for nothing, you are not going to have any engineers. I pay taxes here, I help support the state college, I am a booster for it, I want to see it grow, but if you are going to work and get your work done by this institution for nothing, you are not going to have any engineers left in the state. I can't see why the engineers should get back and boost for free service, if they are not going to lose money, who is? But I don't think there ought to be any friction at all between Ames and the engineers of the state, they ought to work in harmony. Mr. Marston and his assistants will be here with a report probably within thirty days, go over it again, on this Indian Creek problem and probably reach a solution of it. And I think that Ames is making a great mistake, and run up against the same proposition that the road commission had with the county engineers, when they came in. In place of trying to harmonize matters and work together with the board of supervisors throughout the state, they started in to be obnoxious, if they are going to start the same thing with the engineers they are going to run up against the same kind of a proposition.

Prof. Price: I want to correct some things. I said nothing about free service at all. I have no idea of getting any such service. What my proposition was; that the towns that don't use engineering service should be encouraged to use engineering service. Nothing was said about free service at all; that they should be allowed to combine, as my paper stated, that some of the towns are afraid of the expense and do not employ engineers when they really ought to, and my idea was that a group of towns could combine and get together and employ an engineer on a

salary basis, and in that way they would be encouraged to use more engineering service, and that would increase the engineering work, and there would be more work for the engineers, and they would be the ones that really benefited by it.

Mr. Spelman: But now I will tell you I have got another proposition back of that—while that is a good idea for you all right, you want to boost that engineering business all the way through, the more engineers the better engineers you get. But I have had the experience of going out to the small towns. I went out to draw plans and specifications for a small town. But what happened? The usual course of things—the city council and mayor did not have the nerve to back it up and put it through, that is where the engineer falls down a good many times. He fails to get the backing to put it through a great many times.

Mr. Pierce: I want to make another statement and that is, the state college is not particularly anxious to do this work, I don't think that the state college or the engineers up there are looking for any more work than they have got. It is not a movement from the state college of Iowa at all, it is a movement, the request for this service was made by the League, and I don't want the members here to get the impression that the state college is trying to do this or anything of the kind, but the fact is that we are trying to get more out of the state college, that the movement comes from us and not from them.

Mr. Tucker: As I understand it, the question is, that where there are many little cities that cannot afford a competent engineer regularly employed, but do need the services of that competent engineer at different times during the year, it would be advisable to have a combination of twenty or forty cities or little villages, to get together and employ a regular engineer, those men would work perhaps on a more reasonable basis looking at it from the city's standpoint, where they are regularly employed than they would where they are not regularly employed, and the little cities at the same time would have the advice of a competent engineer at their call at any time they needed sewers or anything that might come up, and as I understood Mr. Price, he believed that it was a good proposition and that

we should have the co-operation of the institution at Ames in that work so far as possible, not for free work, but that they would give it their support and endorsement.

Mr. Mueller: It seems to me there is one question that has been overlooked in this discussion, and that is, in the smaller communities where they hire engineers it is largely with a view of one particular piece of work, while in the larger communities where it is possible to have an engineer on the pay rolls at all times, they are able to carry on the work in a more comprehensive manner, and it would be more economical and would be of a greater advantage to the smaller communities if they could get together and employ a permanent engineer.

Mr. Glasgow: Just one thing, the average small town today, up-to-date, 4,500 or 5,000 people, they employ an engineer one year, and very likely the next year they will employ a different engineer, and you can't find any half dozen engineers in the state of Iowa that have the same opinions on any kind of a proposition and every fellow that comes there will have a different idea, and if they have an engineer this year

and get somebody next year he will tear down and try to undo what the other fellow did.

Mr. Blackstone: Last year we planned to establish a sewer system, we sent for Mr. Higgins, he came to look over the situation, gave us what advice he could, but he wanted somebody to build and plan the sewer system, and we didn't know anything about it ourselves, and we didn't know who would, so we wrote to every consulting engineer we knew of, had a meeting of the council, called them in, and talked the matter over with them, and we picked out a man who we thought could do the work, we didn't look for a cheap man, I presume a high priced man is probably the cheapest in the long run, and we selected a man for engineer for that work, we simply determined that ourselves, as best we could, and we regard the man we selected as very well fitted for the work. It is a hard proposition for these small towns to determine these things, it is a dangerous proposition, when we have to get someone and we don't know where to look for him. That is the way we arrived at it, we just simply worked it out ourselves and used our judgment as to the best man for the work and determined it that way.

Pavement in Dubuque

Mayor James Saul, Member Committee on Paving

In Dubuque, we have several kinds of materials used in pavement, due to the many conditions we have to contend with. The city is very hilly and the roads leading off the level part to the hill are steep and most of them have many vacant lots that will not stand the assessment of an expensive street.

Naturally Dubuque has taken up plain macadam as the principal material for their streets. We have at the present time approximately 1,110,000 square yards of macadam. It is generally the first material used on a street. We can place this on the street for a small cost and it gives the property a chance to be improved. Macadam has lasted from ten to twelve years on streets where travel is light and the grade not so steep that the water washes it out. We are replacing many macadam streets with permanent

pavement at the present time, our macadam yardage being smaller each year.

The past three years, we have oiled the majority of our macadam, using a heavy road oil. This not only saves sprinkling but it also binds the macadam and stops considerable of the ravelling.

Brick has been used on the streets where the heavy teaming is done, there being about 300,-000 square yards in use, some of it has been on our principal streets for twenty-two years and is in very good condition, while on some of the other streets it has not lasted near so long. Macadam foundation has been tried at various times but where it has been used the brick are not in very good shape. A concrete foundation is put under brick at present.

Three years ago we put in the first hillside

brick and since then have laid about 20,000 square yards. This has been placed on grades varying from five per cent to twelve per cent on the streets where heavy teaming is done. There has been very little complaint by teamsters and I believe that it is easier on teams as we have placed a very light crown on the brick while it was necessary to have a fairly heavy crown on the macadam so that it would clean itself. The crown on the macadam caused the horses to slip to the side, while on the brick what little slipping they do is straight back. We consider this a very good pavement for hills where there is very much teaming.

In addition to the brick and macadam pavement we have 26,500 square yards of creosoted blocks. This street has been in three years and shows little wear. The only trouble we have had has been with the blocks in the car tracks during cold weather. The blocks between the rails were laid a little too tight in a few places. The majority of the blocks between the rails have caused no trouble whatever.

About 10,000 square yards of concrete paving has been put in with very little success. Holes have developed and the concrete has ravelled out fast where once started. On many of our hills we have wide gutters of concrete to handle the water.

In addition to the already mentioned types Dubuque has put in 60,000 square yards asphaltic concrete, and 10,000 square yards of asphaltic macadam, and 15,000 square yards of tar macadam. These pavements are used in the residence districts entirely. The asphaltic macadam is used where the grade is heavy, a short stretch was placed on a twelve per cent grade. The teams seem to handle themselves very well on the asphaltic macadam.

In closing I would state that brick has been our most successful pavement. The life of the streets paved with this material has been long and the maintenance cost has been low despite the heavy traffic. However creosote blocks look good after a three years trial, as they show no wear and they have that great asset of being noiseless. The other materials, asphaltic concrete and macadam have been in only a couple of years so we cannot say how they are going to stand up on our water streets. While we have a great yardage of macadam we are reducing it

each year by putting in permanent pavements, about 60,000 square yards being replaced this year and I believe our road funds are already beginning to show the result, as the maintenance cost is so heavy on macadam pavement and light on other pavements.

DISCUSSION

A Delegate: I would like to ask one question, is there any city that ever used what they call Tarvia or Dolarway macadam.

Mr. Crowley: We used the Dolarway macadam.

A Delegate: What was it worth?

Mr. Crowley: Very poor results.

A Delegate: How thick was your macadam?

Mr. Crowley: Two inch wearing surface.

Mr. Saul: We put in this year 30,000 yards asphaltan macadam on material that was purchased in Kansas, and that class of construction was used out in the residential district, sixty-seven cents a square yard, the foundation, macadam, was already in there. That has not been down long enough to find out what success it will be, but it isn't intended for heavy traffic, it is in a residential section.

Mr. Collins: I should say that we have used quite a little of tarvia concrete, but results are not satisfactory. The first we put down was six inches of macadam, rolled it very thoroughly, covered that with screenings, on top of that spread of Tarvia, then on top of that two inches more of macadam, then put tarvia on that, and the effect was, that as the teams passed over it they kept pushing it forward, kept pushing it further on down the street.

Now I want to answer the question that was raised by Mr. Smith in his paving paper on repairing streets. We have adopted this method and so far it has proven very satisfactory. Where the plumbers go into the streets, if they go into the paved streets with brick blocks, they make the excavation, and then leave a shoulder on each side of about eight inches, and tamped down to the solid ground very thoroughly, and they then quit the job and notify the city. The city takes that up, and we have some very experienced men who put in concrete and take out one course of brick, they take out one course of brick entirely, fill that in with concrete, then after it hardens, they put in two inches of sand, then put the brick back. We have repaired our pavement at considerable cost, and it is in very excellent condition. We charge the repairing of the street to the plumber, the city does the work, does it thoroughly and completely, we charge the work up to the plumber, and he charges it, of course, to the property owner, and the work is well done.

CARELESS CITIZENS LIABLE FOR FIRE LOSSES

There is a growing conviction that no real progress in checking fire waste can be made until the man who has a fire ceases to be looked upon as unfortunate and is regarded as a public offender. This idea of making the individual financially answerable for any loss to his neighbors caused by fire in his property has been long in force in France.

If a fire starts in any premises through gross carelessness or culpable fault all damages done to neighboring property by that fire must be made good. There is no limit to this liability, which may extend to an entire block. The burden of proof lies with neighbor making claim, who must be able to prove, before he can recover damages, that the fire was directly due to gross carelessness, culpable neglect or mischievous intent.

TENANT RESPONSIBLE TO LANDLORD

The tenant having a fire is responsible to the landlord, and must suffer not only the loss occasioned to his own property, but also that caused to his landlord's as well as to his neighbors, by a fire originating in the tenant's own premises, unless he can prove to the satisfaction of a court of law the accident was occasioned by some defect in the building or from some other cause over which he had no control, in which event, entire loss, both on building and contents and for damages done to neighbor's property, falls upon the owner of the building.

That progress is being made along this line in the United States is shown by the fact that several of the eastern cities, notably New York, Boston and Cleveland, have passed ordinances giving the city fire departments the authority to institute civil action for the recovery of costs of fire fighting from negligent property owners, on whose premises the fires started. Pennsylvania has also passed a similar law, which is applicable to all cities of the second class in the state.

The passage of these measures seems to forecast the inauguration of laws and ordinances similar to those of France, laws which will make careless property owners responsible to their neighbors for all losses due to fires which might have been preventable.

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BETTER CITY PLANNING

To the building of a city's structure and thoroughfares and to the decoration of its park areas, we call specialists and high class experts, and pay them according to the value of their knowledge.

But the fundamentals of city building, the original laying out of the city's streets we leave to every Tom, Dick and Harry who operates in real estate and whose chief object is to get the largest number of lots out of a given tract, and to dispose of them in the shortest possible time.

Not infrequently professional tract-vendors passing from city to city, buy tracts, divide them, auction them off—and are gone in less time than it should take a tract-planning artist to perfect his plan.

The result is what we all too frequently see—beautiful natural features attacked and obliterated, groves swept away, hills and valleys leveled at vast expense or left rough hewn, and on the butchered tract a gridiron street plan applied that reduces original beauty to poor commonplace. One of these traveling city planners and sellers may in a few weeks fasten upon the city troubles that cannot be remedied in generations of costly mending.

An awakened interest in better methods of laying out new residence districts is being shown among real estate dealers and city builders. Notable instances are seen in Kansas City, in Detroit, in Seattle, and other western cities, where real estate dealers, by platting ground to save hillsides and beautiful vales and by imposing restrictions upon the purchasers of lots, have not only insured beauty for the future, but have made handsome present profits.

Among Minneapolis real estate dealers has been advocated the establishment of a county art commission with power to pass upon, reject, amend or approve all proposed new village and suburban plats within the county before they are recorded. Such precaution could scarcely work hardship to anyone, and might save expensive regrets in years to come.

LITTLE, BUT OH MY!

Little drops of water, poured into the milk,
Give the milkman's daughter lovely gowns of silk,
Little rocks and boulders, little hunks of slate,
Make the coal man's fortune something fierce and
great.

LEAGUE OF WASHINGTON MUNICIPALITIES

At the sixth annual convention of the League of Washington Municipalities, held in North Yakima from October 6th-8th inclusive, the leading feature was an extended discussion of public utilities, each party to the controversy being represented by some of its ablest men.

Other important timely discussions which engaged the attention of the convention deal with the reorganization of public health work in the state of Washington, public milk and water supplies, the managerial form of municipal government, and university training for public service.

The report from the League's committee on public utilities includes a proposed legislative bill relating to powers of municipalities with reference to public utilities, which received the endorsement of the convention in substantially its present form, and which is to be submitted to the voters of the state as an initiative measure at the next election. The convention also instructed the same committee to draw up, before next January, a bill giving to the cities and towns of the state a larger measure of home rule in local municipal affairs.

Other legislative work mapped out for committees of the League includes:

(1.) A bill providing optional forms of government for cities other than first class.

(2.) Preparing suitable legislation extending the principle of the merit system to state, county and city positions.

(3.) Co-operating with the state commissioner of health in the preparation of a revised public health code for the state.

One of the resolutions adopted by the convention calls for the appointment of a committee to work out a proposal for a city planning conference in connection with the work of the League, and another resolution relates to the League's co-operation with the Utility Bureau established by the conference of American Mayors.

The proceedings of the convention will be published within a few weeks.

The following officers were elected: President Leonard O. Meigs, city attorney, North Yakima; vice-president W. H. L. Ford, city treasurer, Everett; Secretary-treasurer, Herman A. Brauer, University of Washington, Seattle.

VIRGINIA GAS RATES

The Virginia gas plant has been in operation for less than a year, but is already established on a sound paying basis and the consumers are increasing almost daily, so that the future prospects for the plant are very bright. The service has been excellent and gas has never been shut off for a moment since the plant was well under way.

Frank Johnston, who has charge of the sales department of the city gas department, has prepared some interesting figures for the people of Virginia regarding the cost of gas in this city. The rate of gas is naturally lower where a great amount can be made and sold. There are twenty-one plants in the state. Duluth, Minneapolis and St. Paul are the only places where the fuel is sold for less than it is in Virginia. Minneapolis gets gas for 70 cents per 1,000 net. Duluth for 90 cents and St. Paul is \$1.10. The average in the state is \$1.43.

Virginia's rate is \$1.35 or \$1.25 net. The table of figures for the state follows:

Adams	\$1.40
Albert Lea	1.50
Austin	1.60
Crookston	1.65
Duluth .....	.90
Excelsior	1.75
Faribault	1.50
Northfield	1.60
Jasper (net)	1.25
Mankato	1.50
Minneapolis (net) .....	.70
Red Wing	1.50
Renville	1.50
Rochester	1.60
St. Cloud	1.85
St. Paul	1.10
Slayton	1.30
Stillwater	1.30
Winona	1.50
West Minneapolis	1.40
Virginia (net)	1.25

THE AVERAGE INSPECTOR

A workingman was tamping the backfilling in a trench. A "curb stone" inspector inquired: "Are you going to get all the dirt back in the trench?" "Nope," was the reply, "we didn't dig the trench deep enough." "Oh! I see," said the inspector and went his way.



Bell Telephone Exhibit, Panama-Pacific Exposition.

A Wonder of Wonders

"It is the most beautiful and inspiring Exposition the world has ever seen." —President Hadley of Yale, in speaking of the Panama-Pacific Exposition.

EVERY American should feel it a duty as well as a privilege to visit the Panama-Pacific Exposition and view its never-equalled exhibits of achievements in Art, Science and Industry.

In all this assemblage of wonders, combining the highest accomplishments of creative genius and mechanical skill, there is none more wonderful than the exhibit of the Bell Telephone System.

Here, in a theatre de luxe, the welcome visitors sit at ease while the marvel of speech transmission is

pictorially revealed and told in story. They listen to talk in New York, three thousand miles away; they hear the roar of the surf on the far-off Atlantic Coast; they witness a demonstration of Transcontinental telephony which has been awarded the Grand Prize of Electrical Methods of Communication.

This Transcontinental Line has taken the thought, labor and ingenuity of some of the greatest minds in the scientific world. Yet it is but a small part of the more wonderful universal service of the Bell System, which makes possible instant communication between all the people of the country.

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One Policy

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Universal Service

REGULATING THE "JITNEY"

The jitney bus has become an important factor in urban transportation. Various states and communities, deeming it for the best interest of the public, have sought by statute and ordinance to regulate the use of the automobile as a common carrier. The constitutionality of such legislation has been passed upon by the Supreme Court of Washington in the case of *State v. Howell*, 147 Pacific Reporter, 1159. Says the Court: "Now the act in question does two things: of importance as legislative functions, viz: (1) It recognizes a new sort of common carrier; and (2) it enacts a system of regulation of such common carriers. It is true that it does not limit the speed of such passenger cars; nor the number to be permitted on given streets, nor the capacity of the car, nor the routes, nor the rules of the road. It does, however, regulate them to the extent of requiring them to obtain permits from the secretary of state to operate and to furnish a surety bond in a specified amount to the approval of the licensing officer, with specified conditions therein, and provides for civil actions to recover against the carrier and the bond for any injury occasioned by the negligence or unlawful act of such carrier. We may assume that there are such carriers as are referred to in the act. We may assume that there are conditions existent which justify legislation for their regulation. Whatever may be thought of the expediency of the statute, it cannot be affirmed to be, beyond question, in palpable conflict with the provisions of the seventh amendment to the constitution."

CANINE PEDIGREES

Has a full-blooded Russian wolfhound, impressively pedigreed, a greater right to life, liberty, and happiness, by reason of his aristocratic ancestry, than an animal of humbler origin? This question is answered in *Sabin v. Smith*, 147 Pacific Reporter, 1180. In justifying the shooting of the dog by defendant to prevent the killing of his poultry, the court discusses property in dogs, and refers to decisions extolling their loyalty and faithfulness. The common law right to kill dogs worrying or injuring fowls is declared still in force, statutes merely providing cumulative relief. "By providing for such cumulative remedies with reference to sheep the statute cannot be said to deprive the owner of fowls of the

right to destroy a dog that is engaged in worrying and killing them while in their own lawful inclosure, and where the necessity for the killing is apparent in order to protect such fowls. The claim that the dog killed was possessed of a pedigree and had a greater relative value than the fowls injured, and that therefore the killing was unwarranted, is without merit. The right to kill a dog found trespassing and endangering property is not affected by the relative value of the dog and the property being injured. Besides, it does not appear from the record that the defendant knew that the hound was possessed of a pedigree, nor does it show the number of chickens owned by defendant and subjected to the dog's ferocity. It can hardly be contended that the defendant was bound to stand by and mentally calculate the value of chickens destroyed, and await action until such value approximately equaled that of the dog."

NEW YORK WATERWORKS

Some idea of the immensity of the work which is being done by the department of water supply, gas and electricity, and the economies which the present administration has brought about, is given in the annual report of Commissioner William Williams. His department in 1914 expended \$11,600,000. In return it managed property worth \$226,315,900, supplied the inhabitants of the city with 508,000,000 gallons of water each day, lighted parks, streets, bridges and public buildings, and collected \$12,909,042 in water rents. Of the quality of the water the commissioner said: "New York had last year a typhoid death rate of only 5.9 per 100,000 inhabitants, which is the lowest for the ten largest American cities, and even this low rate is steadily decreasing. The water supplied by the city is shown by analysis to be better now than it has been for years, and it is safer to drink than most bottled waters." The report states that there are 2,845 miles of city owned water mains, controlled by some 60,000 gates. There are more than 43,000 fire hydrants. Last year the department laid seventy-five miles of new mains. The value of the real estate owned by the city and controlled by the department is put at \$86,000,000, exclusive of structures which, including dams, are worth another \$82,000,000.

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CITY'S KNOWLEDGE OF "VICIOUSNESS" OF OFFICER

The city of Waterville, a defendant in Lamont v. Stavanaugh et al., 152 Northwestern Reporter, 720, was charged in the complaint with appointing Stavanaugh as police officer, with knowledge of his "vicious and savage propensities and violent temper." Damages to the extent of \$5,000 were claimed. Says the court: "It cannot be questioned that a city is liable for the negligence of its officials in creating or permitting to exist dangerous conditions in its streets and sidewalks. But we are unable to apply this doctrine to such a danger as the complaint in this case shows—a policeman who is possessed of vicious propensities. That the city acts in its governmental and not in its proprietary capacity in appointing its officers there can be no doubt. It would seem that its nonliability for negligence or other torts on the part of such officers is too well settled in this state to admit argument. A wholly different rule applies to individuals and private corporations. They are liable for the torts of their servants committed within the scope of their authority, while a municipal corporation is not, save in excepted cases. We are unable to hold that the presence of Stavanaugh on the streets of Waterville, armed with a policeman's club, constituted a defective condition of the streets, or a danger therein, which would impose a liability on the city, even though the official who placed him there knew of his vicious propensities."

LEAGUES OF MUNICIPALITIES HELPFUL TO ENGINEERS

One of the strongest agencies now effective in popularizing engineering is the state league of municipalities. These leagues have already done much for engineers and engineering and only a beginning has been made. The oldest organization of this kind is only about 15 years old and many are much younger. The strongest state leagues of municipalities are those in California, Iowa, Kansas and Minnesota. The plan of having cities hold membership instead of the city officials is an excellent one for, while officials come and go, the town keeps on going. When a man is elected to office in one of the membership cities that membership at once prods him into an

active interest in municipal affairs which he would be long in acquiring otherwise, if he ever acquired it at all.—Engineering and Contracting

ONE MAN STREET CAR

The results of one-man car operation from standpoints of speed, safety, maintenance, wages, and other costs, and a summary of the present practices of companies employing them occupied the traffic division of the American Association of Electric Railways at a recent session.

In the opinion of a committee specially designated to study this innovation in electric railway operation the operation of this type of car will considerably increase net earnings, unless deterred by unfavorable statutes or ordinances or unfavorable attitude of the public, and thereby "tend to neutralize the encroachment of other forms of transportation such as the so-called 'jitney' bus."

INSPECTION REDUCES FIRE LOSSES

Henry C. Bunker, chief of the Cincinnati fire department, in a signed article in the August issue of the American City Magazine, points with pride to the efficient inspection work done by the men of his department and to the fact that his work has been largely responsible for the reduction of the fire hazard.

Cincinnati's firemen inspected 28,118 public and private buildings during the first half of 1915, according to Fire Chief Bunker. If municipal officials would see that members of the fire departments used some of their time making inspections it would be better for all concerned.

GET EVEN SOMEWAY

The citizen felt he had a grievance and stormed angrily into the office of the water department of an eastern city. "See here," he announced fiercely to the clerk, "You send a man up to my house and take out your old gas meter." The clerk politely informed him that he was in the wrong office. "Isn't this the office of the gas department?" demanded the man. "No," replied the clerk, "this is the water office." "Oh it is," said the citizen. "Well, then, send a man up to my house at once to turn off the water. I'm not going to walk a mile and a half for nothing."



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If you're a slave of the tobacco habit and want to find a sure, quick way of quitting "for keeps" you owe it to yourself and to your family to mail the coupon below or send your name and address on postal and receive our free booklet on the deadly effect of tobacco on the human system, and positive proof that Tobacco Redeemer will quickly free you from the habit.

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WANTED—A position as waterworks superintendent. Practical and technical training. Pumping machinery expert. Reference. Address American Municipalities.

WANTED—The town of Malvern, Iowa is considering installing electroliers—Information wanted. S. J. Clark, Town Clerk.

WANTED—One street roller, weight four or five tons, same to be drawn by horses, please give description, condition and price wanted. Town of Bellevue, Iowa.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Swea City, Iowa.

FOR SALE—Blue printing machine, 42 inch, with automatic washer and drier. Please make. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—Village hook and ladder truck, fully equipped. C. J. Duff, City Clerk, Council Bluffs Iowa.

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—A High speed Atlas steam Engine 45 H. P. 280 R. P. M. used seven years. Village of Howells, George Lodes, clerk

FOR SALE—Two Cook Deep well pumps with 400 feet casing and 400 feet of wood rod. 1 No. 300 18 or 24 inch stroke 4 inch cylinder. 1 No. 159 12 or 18 inch stroke 3½ inch cylinder. Line shaft and pulleys. All in fine condition. Address town of Milford, Iowa. J. E. Shelledy, Clerk.

FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Deleva Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.

FOR SALE—Having recently installed a complete system of water works the village of Taylors Falls, Minn. has a hand engine suitable for use in any small village, for sale cheap. The engine is in good repair. W. H. Robinson, village clerk.

FOR SALE—Heller & Brightly transit, full circle, stadia cross-hair, also level, same make, like new, at a bargain. Other instruments in stock, new and second hand. Transit and level repairing. O. Griner, 214 E. Tenth street, Kansas City, Missouri.

FOR SALE—Gurley Transit, \$85. Keuffel & Esser Transit, \$110. Stierer Transit, \$100. Levels \$45 up. All in first class condition and guaranteed. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—A good wooden tank street sprinkling wagon complete, for particulars, address Frank Scobie, Sleepy Eye, Minnesota.

FOR SALE—Having recently installed in our town electric lights, we have for sale at a bargain a good 500 candle power American Gas Street Light with post, nearly new. If interested write at once to H. W. Speight, Recorder, Porter, Minn.

FOR SALE—Dean Steam Duplex Fire Pump 14 inch steam cylinder, 8½ inch water cylinders, in good condition, price \$400.00. E. C. Smith, Clerk, Town of Bonaparte.

FOR SALE—One two-horse hose wagon, capacity 1,000 feet 2½ inch fire hose. C. J. Duff, City Clerk, Council Bluffs, Iowa.

FOR SALE—18 horse power Watrous fire engine, good as new, complete with 30 foot 4 inch suction hose, same being replaced by high pressure water system. Write or wire at once, for full particulars. Russell E. Whipple, chief, fire department. Lehigh, Iowa.

FOR SALE—Two 2-horse double 50-gallon tanks and one either 2-horse or hand drawn 100 gallon chemical fire engine. Champion make, and in good condition. Inquire Chief Kellogg, fire station No. 1 Sioux City.

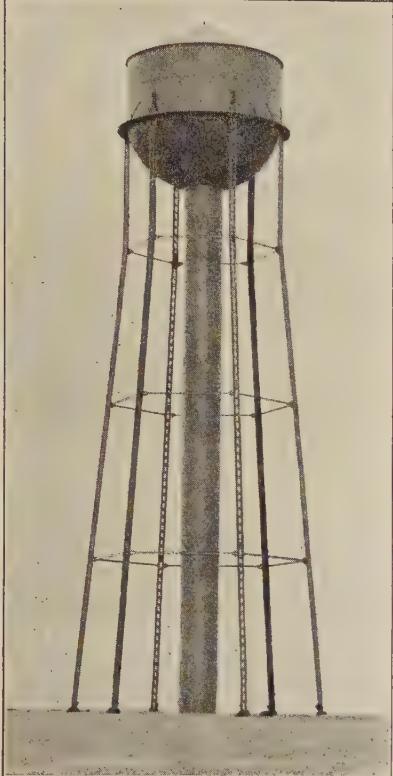
FOR SALE—Forty gallon chemical carts for small cities and towns and three gallon hand chemicals for stores factories etc. Write for catalogue and prices Municipal Supply Company, Marshalltown, Iowa.

FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk.

FOR SALE—Thirty horse power electric motor in perfect order. Direct current, amperes 52, volts 500, speed 1035, made by the General Electric Co. of Schenectady, N. Y. Also Ingersoll pumping engine. Can be seen at the pumping house at Crapo Park, inquire or address the undersigned. Robert Kropach, city clerk, Burlington, Iowa.

Sealed proposals will be received by the town of Riverside, Iowa, up to 8:00 o'clock P. M., November 5th, 1915, for a deep well pump and gasoline engine. Check for 5%.

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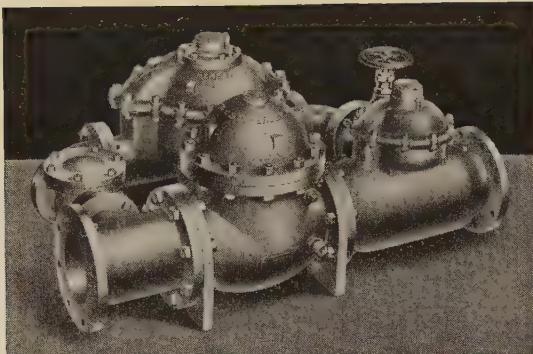
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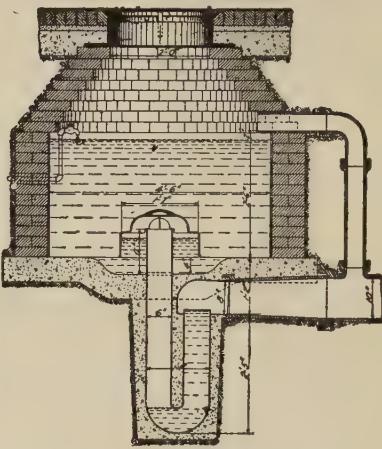
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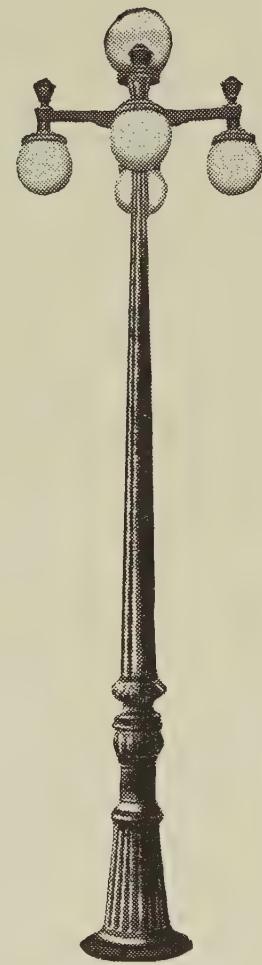
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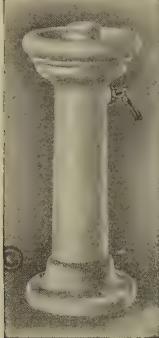


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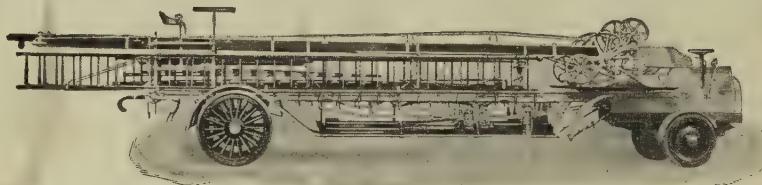


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It is made of cast iron, copper and brass. Will not rust out. Sets 30 inches in the ground stands 13 feet high. It is storm proof and bug proof.

It gives a strong, white light and throws it down on the street and sidewalk where it is wanted and not up among the tree tops.

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It is lighted and turned on from the ground in less than a minute. It is thoroughly practical and the extra "gas producer" insures against failure.

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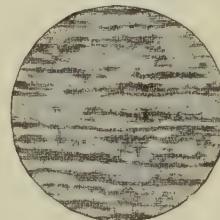


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**American Cast Iron Pipe Co.
Birmingham, Ala.**

**Glamorgan Pipe & Foundry Co.
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**U. S. Cast Iron Pipe and
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**James B. Clow & Sons
Chicago, Ill.**

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Road Preservative	Sanitary Fountain
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Asphalt Materials

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John Baker, Jr., Otis Building, Chicago,
Badges

The C. H. Hanson Company
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Bitulithic Pavement

Warren Bros. Company, Boston, Mass.

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Murray Iron Works Company,
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Bond Dealers

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Cast Iron Pipe and Fittings

J. B. Clow & Sons, Chicago

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David G. Fisher Co., Davenport, Iowa
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J. B. Hill, Iowa City, Iowa
David G. Fisher Co. Davenport, Iowa

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Murray Iron Works Co., Burlington, Iowa

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Pacific Flush Tank Co., Chicago

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Economy Street Flusher Co.,
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Hose

Bi Lateral Fire Hose Co.
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Imhoff Tanks

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Incinerators

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Paving

The Barber Asphalt Paving Co.
Philadelphia, Pa.

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M. G. Hall, Centerville, Iowa

C. H. Currie, Webster City, Iowa

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Emaus, Lehigh Co., Pa.

Glamorgan Pipe & Foundry Co.

Lynchburg, Va.

Lynchburg Foundry Co., Lynchburg, Va.

Massillon Iron & Steel Co., Massillon, Ohio

U. S. Cast Iron Pipe and Foundry Co.
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The pavement that is cheapest by the **Yard** is very likely to be the most expensive by the **Year**

Trinidad Lake Asphalt pavements may cost a little more per yard in the first instance, but they are the cheapest when judged by years of service rendered

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Trinidad Lake Asphalt builds (and has built for 35 years) the pavements that give the best service during the guarantee period and **Last Longest** after the guarantee has expired

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Asphalt**

**Bermudez Road
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American Municipalities

December, 1915

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OFFICIAL BULLETIN

League of American Municipalities

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Secretary, Robert E. Lee, Baltimore

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President, Dr. J. F. Cole, Mayor, Oelwin
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TO MUNICIPAL OFFICIALS

Municipal officials receiving American Municipalities need have no fear of incurring financial obligations. If you are not a subscriber, either the municipality you represent is a member of one of the Leagues of Municipalities listed above and you are entitled to a copy free, or the copy you receive is a sample copy.

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COMMENT

This is the time of year that fires are apt to break out and officials should make a special effort to see that all rubbish is removed from the business district and from all cellars.

If you have a paid fire department have one of your firemen constantly on the job making inspections and serving notices to clear up wherever such notice is necessary.

If you do not have a paid fire department see that the marshal or some other officer does this very necessary work.

A fire loss is an absolute loss of just that much wealth to some one and there is nothing that will cut down this loss so much as will careful and consistent inspection.

Then you should look over the water works system and fire apparatus and see that these are in good shape.

The city of Davenport has decided to install a number of small light automobile fire trucks and scatter them generally over the city.

This is certainly a sensible thing to do as the big heavy trucks that have been purchased by so many cities are most expensive to maintain and cannot cover the municipality nearly so well as a larger number of small light trucks.

It will be well for officials to remember during the coming winter that the municipality is responsible for the safety of the sidewalks and that they have the power to put them in a safe condition without notice to the property owner.

Spend a little time this winter in seeing that the walks are safe and it will save damage suits next summer.

If you know of a city or town in your neighborhood that is not a member of the State League of Municipalities make it a point to interest their officials to take out a membership.

The more members a State League has the better work it can do for all the members, so it is to your advantage to get every member you can.

If you will take an interest in American Municipalities we can make it a much better publication and you will be directly benefited.

Do your share to improve the official publication.

TIPTON VALUATION ACCEPTED

The appraisal of David G. Fisher & Co., utility engineers, of Davenport, made on the Tipton Lighting & Heating Co's plant in Tipton has been accepted by the city officials of Tipton. Mr. Fisher placed a value of \$23,000 on the property some time in the early spring, but the appraisal was not accepted by the company officials, whose franchise has now expired. After this refusal of the company to accept Mr. Fisher's valuation, the city officials retained him to appraise the property in company with four other men, who were appointed by the City and Light Co., alternately. The five men, after much deliberation, practically accepted the valuation set upon the property by Mr. Fisher, their valuation being placed at \$23,080.78. The city of Tipton will take over the plant on December 31, 1915 of the twenty-five year franchise granted in 1900, under which the Tipton Light & Heating Company operated, provided that the city could take over the property January 1, 1911 or January 1, 1916, upon proper notification and procedure. The franchise further provided that the basis of compensation should be determined by five appraisers, two to be appointed by the city, two by the company and one by the four appraisers, and that the findings of a majority of the appraisal board should be final and binding. A. M. Compton and David G. Fisher & Company, both of Davenport, were appointed to represent the city and F. C. Chambers of Des Moines and A. G. Goldschmidt of Davenport were retained by the Company. The four appraisers selected C. A. Hoppin of Peoria, Illinois, as the fifth appraiser.

The situation was studied very carefully and all phases were investigated. The work was rather complicated due to the fact that the original installation in Tipton was municipally owned and operated from about 1881 to 1892. During 1892 the plant was burned and the property was taken over by four local citizens under an agreement to turn back the entire property to the city after their actual investment had been returned with 7% interest. This agreement also stipulated that semi-annual reports should be made to the city. There is no record that these reports were ever made, but during 1900 the four individual owners were succeeded by the Tipton Light and Heating Company and the franchise above mentioned was granted.

The plant site and buildings were owned by the city and the buildings have been maintained at the expense of the city. About three years ago the operation of the plant was discontinued, a transmission line was built into the city, additional real estate was purchased and a substation erected, and the current was changed from direct to alternating. This involved considerable expense in changing meters, fans and motors, some of which was borne by the Company and some by the property owners.

The summary of the appraisal is as follows:
Total net, present, physical value \$18,647.18
Total net, present, non-physical value 4,433.60

Total net, present value \$23,080.78

SPECIAL MUNICIPAL CORPORATIONS

In a former number of the Review (November, 1914) a classified list, amplified by a brief description, was given of the special municipal corporations which had been created by legislative enactment during 1913. The utilization of this convenient and flexible agency for the promotion of public enterprise it so manifest that it is not surprising to discover that the legislative year, 1915, has witnessed a large number of fresh creations, although the most notable characteristics of this important political tendency, which has now fully established itself as a public habit, is in the multiplicity rather than the diversity of the corporations created. The traditional types predominate, although two or three new types, analogous in structure, but anomalous in purpose and design have made their appearance. An analysis of the purposes of these rapidly multiplying corporations supplies unequivocal evidence of the growing popularity of public ownership of service supply utilities, and the practical expression of the gregarious and civic instincts. These corporations are of two general classes: Specific creations organized by special acts, and those authorized by general law, permissive in character. An examination of the statutes of 32 states and political jurisdictions discloses the fact that 36 general laws have been passed authorizing the creation of special municipal corporations, while 50 districts were created by special acts. Among the prevailing types, the list includes districts designed to reclaim swamp and arid lands, to facilitate the general diffusion of knowledge, to

provide for the extinction of fires, to supply water for domestic, manufacturing and other purposes, to provide for the erection and maintenance of bridges, to construct and maintain roads, to prevent the encroachment of the sea on tide water lands, to provide for the disposition of sewage, to install lighting systems, to control floods and regulate rivers, to eradicate horticultural pests, and to suppress tuberculosis. Only two new types have appeared. In Arizona and Nebraska the creation of electrical districts for the development and supply of heat and light, and in Idaho land improvement districts to clear land of natural growths, were authorized.—Political Science Review.

EMINENT DOMAIN

That a municipality cannot legally contract away its power to exercise the right of eminent domain was a feature of the decision of the Railroad Commission of California rendered recently denying a petition of the Palo Alto Gas Company asking the commission to dismiss the petition of Palo Alto for an order fixing the price for which the municipality might acquire the properties of the utility. The city of Palo Alto proposes to purchase the distributing system in accordance with a resolution of intention passed by the city council May 10. Recently it brought before the commission its petition asking that body to determine the value of the system for purposes of condemnation under the right of eminent domain. The gas company intervened.

A clause in the franchise given the company in 1914 provided that after ten years the municipality would have the privilege of buying the system at a price to be fixed by a commission appointed according to a prescribed method. The company in opposing the requested action of the commission urged that the ordinance giving it the franchise laid down the purchase method and that Palo Alto had no right to acquire the property by eminent domain. The commission found that the franchise referred to a "gas plant" and that the property described in the petition refers to a "gas distributing system," and makes no reference to the gas plant, there being none within the boundaries of Palo Alto. The commission concludes that the municipality

did not, therefore, contract to buy the property installed under its franchise, and did not deprive itself of power to exercise its right of eminent domain, with regard to the franchise property. Besides, says the commission, "Palo Alto has no power to contract away its right to exercise the power of eminent domain."

GOOD ADVICE

The following good advice is given utility managers by C. M. Durell of the Spencer Gas Company of Boston. A good part of this advice should also be heeded by managers of municipal plants. It is just as important for a municipal plant to have the good will of its patrons as for a private plant. We suggest that everyone, managing either a private or municipal plant, read this advice and then read it again. The advice is as follows:

Good service means more than delivering electricity at a proper voltage or gas at a standard candle power, under proper pressure without interruption. Your customers can demand this, for they are paying for it.

To give good service also means to establish good fellowship. This is easily done by inspiring your organization with enthusiasm in your business and active interest in the public affairs of the community.

The public is easily pleased. Help it out in all its undertakings. Become an active member of your local organization for the improvement of your town. Give a helping hand to the charitable organizations. Assist your business men in special advertising schemes. Give prompt and interested attention to the minor complaints of the housewife, as well as those of the business men.

Make the whole community your friend by taking an interest in its welfare with pleasure, and by always wearing a happy expression. Make it feel by your greetings that you are glad to be part of it and eager to be of service.

One of the great objects of our company is to help in the betterment of the community in the way of public improvements. To accomplish this means time; but time spent in the interest and betterment of local conditions, given with good fellowship, will afford a man the happiest hours of his business life.

APPROVAL OF MUNICIPAL BONDS

As the result of a recent bond sale by Superior, Wis., at which several conditional bids were made, offering better prices than the bid that was accepted, one of the bond men submitting a conditional bid made the very sensible suggestion that municipalities have their bond issues approved by a recognized bond attorney before offering the same for sale. He says:

"If a municipality desires to dispose of its issue and have it quickly taken up, they should take steps to secure the approving legal opinion of some one of the well recognized attorneys whose opinion is merchantable, and accepted by bond buyers. There would then be no trouble about the delivery of the bonds, as when the bonds were offered with the approving opinion of some recognized attorney, if the proposed buyer did not care to accept that attorney's approving opinion he need not bid on the bonds. We do not give you the names of these various accepted attorneys as you probably are well aware who they are."

This is a good suggestion and municipal officials should consider the advantages of having their bond issues approved before offering them for sale.

CARE FOR UNEMPLOYED

The mayors of the cities of New York have recently held a conference to devise means of taking care of the unemployed this winter. This is a new line of municipal endeavor and one that can be easily solved by putting the unemployed to work on the streets at a nominal wage. This will give the municipalities a vast amount of work at a small cost and at the same time will care for many an unfortunate.

THE MEANING OF HOME RULE

What does "municipal home rule mean"? It means, in the first place, a reversal of the existing legal presumption against the powers of the city. Instead of possessing only such powers as are granted to it by the state legislature, the city, under the "home rule" system, is invested by the constitution with all the powers of local government, consistent with the general laws of the state.

It means, further, that the city may determine

its own form of government. Thus the city decides for itself, by means of a charter convention and ratification election, whether it will have the commission plan, the city-manager plan, the mayor and council system, or some other form of municipal organization.

And why not?—Oswald Ryan in "Municipal Freedom."

FLOOD CONTROL DISTRICTS

The unparalleled floods throughout the middle west during 1913 led to the passage of four flood control laws in Indiana, the efforts of the flood control commission to secure a general act applicable to the whole state having encountered too much opposition to permit its passage. One of these acts applies to the city of Indianapolis, a second to the city of Peru and other cities of the fifth class, a third to the city of Fort Wayne and Allen county, and a fourth to cities of the 3d, 4th and 5th classes.

THE AUTOMOBILE

During the past year there were 703,527 motor cars manufactured in the United States and the manufacturers expect to make at least one million during the coming year. This means that the road problem is soon to be one of motor travel and the city or community that builds a pavement that will not stand automobile traffic is wasting money and not making a permanent improvement.

CITY MANAGERS CONVENTION

The city managers of the country held a convention at Dayton about the middle of November, and as the papers report, the proceedings considered ways and means of making this plan more popular. The best way for the managers to popularize the plan is to give the people of their respective municipalities such good service that the people will continue the plan and support the policies of the administration. This will popularize the plan better than any amount of hot air.

MUNICIPAL BONDS ADVANCING

The improved demand for municipal bonds is well shown by the advance in New York city's $4\frac{1}{4}$ s from 101.25 last June to 105 the middle of November.

Nebraska League News

Edited by Roscoe C. Ozman, Secretary, League of Nebraska Municipalities

Cortland established a fire limits area after a big fire. Others should profit by extra precautions before a fire.

POLES OFF MAIN STREET

The town of Uehling is making many improvements along different lines, one of the most noticeable being the thorough grading of the business street and the removal of all telephone poles from that thoroughfare.

WESLEYAN CAMPUS PARK

The question of using the university campus at University Place for park purposes for the city as well as the university is being given consideration by a special committee from the trustees of the university from the mayor and council and from the commercial club of that place. In connection with this a number of new streets will be considered, and it is believed that the splendid campus could be so used to avoid the expense of a separate park system.

The city of York, with the street between the court house square and the Burlington depot, entirely paved, is now agitating the lighting of the thoroughfare the entire distance with electrolier lights.

The town of Glenville in Clay county will be supplied with electric lights and an electric light line is being run between Clay Center and that place. The city is preparing against storms by using forty-four poles to the mile.

The work of installing a system of electrolier lighting in Wayne is now under way. Forty-seven electrolier posts will be put in commission, with four posts on each side of a block.

GOOD ROADS BIG FACTOR

A farmers' and merchants' good roads fair will be held in the city of Kearney for the week December 6th, to 11th, inclusive. The purpose of this organization is to raise a fund for the construction of permanent roads through the county. This will be the first annual event of this nature, and it is hoped that several thousand dollars can be raised. The plan of the committees arran-

ing for this fair is to raise as large a contribution of articles of all kinds as possible and then put them on a general sale as at the fair.

The question of a city hall for Scottsbluff has been taken up by the firemen of that city and much enthusiasm is shown for the project.

WATER POWER COMING

Work is progressing on the power dam at Erickson lake. Within the next thirty days it is expected to have the work well along toward completion. When this project is finished it will provide power and light for Erickson, Greeley, Ord and possibly one or two other cities. The lake created will be used for a resort and will be one of the most attractive places of that kind in the state.

COMMERCIAL CLUBS MAY HELP CITIES

Through the efforts of the commercial club of Steele City, that town is now electric lighted. The new light plant is in operation. The new plant cost \$3,900 and the service consists of eighteen street lights besides the lighting of the many business houses and residences.

SEWER OR NO SEWER

Pawnee City recently let a contract to have the city surveyed for a sewer.

The proposition to install a sewer trunk line in Loup City to cost \$6,500 was defeated at the special election.

NEW ELECTRIC LIGHTS MAY BE SEEN IN NORTH BEND

The system is a quite extensive one, the entire residence part of North Bend being lighted. The electroliers on the main street and the Lincoln highway are also lighted by the new service and give the town a very attractive appearance.

Paving from Lincoln will soon connect with College View, Normal, University Place and Lakeview. Paving, good roads, and park problems are receiving much attention at the capital city.

The city council of Kearney, took up the question of two additional paving districts of that

city. There is a good public sentiment in favor of continued paving in Kearney and it is giving much employment to local labor which business men believe worth while recognizing.

METER AT LOT LINE

The city council of Holdrege is considering an ordinance amending the installation of water meters in that city, the object of the new ordinance being to place their meters outside the lot lines between the sidewalk and curb, and the city to purchase and keep the meters in repair. The object of the ordinance is to make the consumers liable for any improper connections with the main.

COMMUNITY CENTER OWNED BY ONE MAN

A gentleman from Lincoln has purchased the library and gymnasium building at David City, the purchase price being \$10,295. The new owner will make a community center building of the property and make the effort to centralize all commercial, church and amusement interests in this building, which is constructed especially for that purpose.

MUNICIPAL POWER TO FIX RATES

The supreme court of the United States, in Iowa Telephone Co. vs city of Keokuk, 226 Fed 82, finds that the legislature conferred the power upon cities to establish rates for water, gas, light and power but makes no mention of the telephone. In this connection the court says:

"It was as easy for the legislature to use express words in conferring the rate-making power upon cities as to telephones as it was as to water, and gas, and electricity, and when the express language is not used we have to assume that it was because it was not intended to grant the power.

"There are reasons for withholding such power from municipalities and retaining it in the state, at least so far as general telephone systems composed of long-distance lines and local exchanges are concerned. The limit in rate-making, whether by state or municipality, is that they must be reasonable and shall not be confiscatory. Where a corporation, as the complainant, owns an extensive system, it would be difficult, if the rate-making power existed in each separate municipality to fix rates for the service within the city, to have such uniformity in rates prescribed

by the different cities as would insure a reasonable rate to all users of the telephone systems, especially for long-distance service.

"This question has been before many different courts, and they have uniformly held that, unless the state expressly granted the power to the municipality to fix rates, it had no such power."

BLOCKING OF STREET CROSSING PREVENTS EXTINGUISHMENT OF FIRE

By an ordinance of the city of Wichita, Kans., trainmen were prohibited from stopping trains, engines, or cars on Central avenue. In the case of Walker v. Missouri Pacific Railway Company, 149 Pacific Reporter, 677, the supreme court of Kansas is called upon to determine the liability of the defendant railway company for injuries to plaintiff's property from fire which it was claimed would have been extinguished without causing as great injury as it did had it not been that the fire apparatus was prevented from reaching the conflagration by a train standing on Central avenue in violation of the ordinance above noted. The evidence and findings of the jury below showed that the train was stopped because the brake rigging of the locomotive had fallen down and was dragging on the tracks in such a manner as to cause danger of derailment of the cars. The court holds that it was clearly the duty of the trainmen under such circumstances to stop as they did under the rule of "safety first," rather than to run the risk of a wreck with probable resulting injury to persons or property, even though it might result in technical violation of the ordinance. This being true, it was further decided that the railroad company could not be held liable for the injury from fire.

A MUNICIPAL SIGN PAINTER

A municipal sign writing bureau for the production by the city of all its street and other signs has been created by the city of Portland, Oregon and found to be a financial success. A sign writer employed at \$3 a day is turning out all the signs required for streets, is lettering windows in municipal building, lettering automobiles and fire and police apparatus and making all the cloth banners and placards needed by the city. He has a well-fitted shop in the basement of the City Hall.

Delegates Third Annual Convention

League of Minnesota Municipalities at Virginia, October 20-21, 1915

- | | |
|--|--|
| Richard R. Price, Minneapolis, Sec'y of League | A. C. Page, Austin, mayor |
| J. G. Sieben, Hastings, mayor | R. R. Brown, Janesville, recorder |
| A. G. Kuenzel, Hastings, alderman | L. W. Wilson, International Falls, pres. council |
| L. E. Niedere, Hastings, alderman | J. S. Wilson, Eveleth, councilman |
| J. H. Protz, Winona, ald. President of council | C. M. Dorway, Eveleth, supt. water works |
| O. Weissgerber, Austin, city engineer | P. O. Holland, Northfield, alderman |
| N. P. Norling, Glenwood, city clerk | John Street, Northfield, alderman |
| H. L. Miller, Winona, alderman | Frank G. Pierce, Marshalltown, Iowa, secretary |
| J. U. Williams, Baudette, president of village | League of Iowa Municipalities |
| J. G. White, Ogilvie, alderman | W. R. Hodges, Sleepy Eye, editor |
| E. O. Middleton, Baudette, city attorney | Wm. J. Schmid, Sleepy Eye, alderman |
| Chas. M. Campbell, Tracy, city recorder | C. W. Constans, Blue Earth, alderman |
| Chas. R. Swenson, Kasota, recorder | W. G. Nye, Minneapolis, mayor |
| J. B. Ludlow, Rushmore, mayor | J. N. Nicholsen, Austin, city attorney |
| E. Wickstrom, Ogilvie, alderman | Mrs. J. B. Nicholson, Austin, citizen |
| M. E. Walz, Detroit, alderman | A. P. Ortquist, Minneapolis, alderman |
| Peter Fournelle, White Bear, mayor | J. G. Robb, Minneapolis, alderman |
| E. J. Bestick, Detroit, city clerk | C. J. Gotshall, Minneapolis, sec'y Minneapolis |
| Frank Lonergan, White Bear, Councilman | Wholesalers & Manufacturers Association |
| J. E. Extrand, White Bear, village clerk | Will Bottomley, Winnebago, mayor |
| R. N. Clewett, White Bear, trustee | F. S. Colvin, Biwabik, mayor |
| F. D. Mehlhorn, White Bear, trustee | C. H. Schuster, Biwabik, city attorney |
| F. J. McPartlin, International Falls, attorney | H. A. Rowberg, Thief River Falls, city attorney |
| F. S. Lang, International Falls, alderman | L. Backe, Thief River Falls, mayor |
| Geo. F. Swennerton M. D., International Falls, | Frederick Bass, Minneapolis, engineer |
| delegate | John Kean, Minneapolis, alderman |
| J. E. Burdick, International Falls, alderman | Otto W. Davis, Minneapolis, delegate |
| Gust Japs, West Minneapolis Hopkins P. O. | J. S. Saari, Eveleth, mayor |
| alderman | S. H. Owens, Eveleth, councilman |
| Axel Olson, West Minneapolis, Hopkins P. O. | A. R. Nichols, Minneapolis |
| gas superintendent | Geo. Mesberg, Eveleth, councilman |
| Emil Peterson, West Minneapolis, Hopkins, | C. H. Williams, Eveleth, city clerk |
| P. O., alderman | C. L. May, Coleraine, alderman |
| E. A. Close, West Minneapolis, Hopkins P. O. | N. Trebilcock, Coleraine, alderman |
| recorder | Gus Baum, Coleraine, alderman |
| H. F. Moore, West Minneapolis, Hopkins, P. | J. A. Wasson, Coleraine, clerk |
| O., treasurer | Robt. S. Taylor, Duluth, convention reporter |
| Lycurgus R. Moyer, Montevideo, president | Alfred B. Hill Aurora, clerk |
| G. Santo, Janesville, mayor | Charles T. Murphy, Aurora, attorney |
| D. A. Mitchell, Mountain Iron, trustee | P. J. Seberger, St. Cloud, mayor |
| A. W. Saari, Mountain Iron, president | C. W. Extrum, Keewatin, village clerk |
| Michael Boylan, Virginia, mayor | O. J. Reppe, Keewatin, mayor |
| A. D. Heritage, Virginia, vice-president | John F. Milan, Keewatin, township delegate |
| G. A. Gesell, Minneapolis, mun. ref. bureau | Chas. Savoy, Keewatin, police officer |

- A. H. Akre, Thief River Falls, alderman
 John Webb, Keewatin, chief police
 E. H. Witte, Keewatin, delegate
 Carl Cusciotto, Keewatin, alderman
 J. G. Shoup, Keewatin, delegate
 F. Wakkinon, Keewatin, supervisor township
 Robert McDonald, Keewatin, alderman
 M. P. Phillip, Keewatin, delegate
 Gust Johnson, Keewatin, delegate
 Joe Shuirman, Keewatin, delegate
 John Bescroft, Keewatin, delegate
 Robert Lamm, Mankato, delegate
 R. D. Shopherd, Keewatin, delegate
 C. I. Johnson, Minneapolis, delegate
 Jacob Jaffe, Keewatin, delegate
 Thomas Dandrea, Keewatin, delegate
 Otto Johnson, Keewatin, delegate
 W. B. Stunstrup, Keewatin, delegate
 A. H. Kleffman, Chisholm, delegate
 Conrad B. Wolf, Hibbing, supt. of parks
 J. M. Aretz, Chaska, clerk
 P. M. Bruers, Chaska, alderman
 Wn. Ries, Shakopee, president council
 C. H. West, St. Cloud, city engineer
 Wm. O. Johnson, Willmar, alderman
 Ed. F. Kelly, Faribault, city recorder
 Frank R. More, Blue Earth, alderman
 Wm. Sinn, Blue Earth, alderman
 Wm. Shuttleworth, Blue Earth, alderman
 John Domes, Blue Earth, alderman
 Easton Floe, Blue Earth, city clerk
 T. R. Foly, Jr. Aitkin, city clerk
 Charles P. Hall, Red Wing, city attorney
 C. C. Bracher, Red Wing, alderman
 G. G. Knoefel, So. St. Paul Alderman
 J. F. McNaughton, So. St. Paul, alderman
 Abe Feldman, Eveleth, city attorney
 I. J. Murphy, St. Paul, Sec. health association
 Oscar Seebach, Red Wing, president council
 L. J. Rocholl, St. Cloud, commissioner
 Chas. W. Lyman, Northfield, mayor
 J. H. Chubb, Minneapolis, Universal Portland
 E. F. Chapin, Jr. Duluth, Universal Portland
 P. Larson, Aitkin, mayor
 H. T. Reifel, Nashwauk, president
 A McWilliams, Nashwauk, trustee
 C. L. Rotzel, Minneapolis, accounting committee
 P. Verre, Nashwauk, trustee
 Wilbur M. Ohles, Nashwauk, recorder
 Alfred Chellson, Red Wing, councilman
 S. A. Siverts, Jr., Morris, city manager
 E. S. Morse, Nashua, Ia., mayor
 F. H. Harrick, Thief River Falls, alderman
 John Wilson, Duluth, engineer
 C. A. Anderson, St. Peter
 M. E. Stone, St. Peter
 Ed. Bonemann, St. Peter
 Stiles P. Jones, Minneapolis, Sec'y Public Franchise League
 J. G. Lawler, Hibbing, sec'y com. club
 J. P. Smith, Duluth, American Gas Co.
 E. D. Wilmot, Mankato
 Wm. Towl, Two Harbors, mayor
 E. G. Strand, Two Harbors, president
 Aug. Omtvedt, Two Harbors, city clerk
 Emil Strom, Two Harbors, alderman 1st ward
 J. F. Wickstrom, Two Harbors, alderman
 S. J. Nelson, Two Harbors, alderman
 John Dwan, Two Harbors, city attorney
 E. S. Macgowan, Minneapolis, U. P. C. Co.
 D. M. Brier, Duluth
 J. A. Spurrier, Eveleth, supt. of parks
 John Warn, Eveleth, street commissioner
 Ford H. MacGregor, Madison, sec'y-treas.
 League of Wisconsin Municipalities
 E. J. Hawley, Hibbing, city engineer
 G. A. Oveson, International Falls, ex-alderman
 E. M. Boker, St. Paul, assist. pub. examiner
 J. O. Davis, St. Paul, ex. pub. examiner
 J. O. Cederberg, St. Paul, assist. pub. examiner
 A. E. Fritz, St. Paul, public examiner
 F. J. Moilan, Virginia, president council
 A. W. Thompson, Virginia, clerk park board
 A. E. Hathway, Duluth, delegate
 Charles A. Parker, International Falls, alderman
 R. J. McGhee, Virginia, alderman
 C. A. Johnson, Virginia, alderman
 A. W. Kilstrom, Buhl, recorder
 Nels Rain, Kilstrom, alderman
 Severt Thompson, Kilstrom, alderman
 A. R. Robertson, New Ulm, alderman
 A. J. Mueller, New Ulm, supt. W. & L. plant
 R. E. Bucknell, Decorah, Iowa
 W. J. Schulze, Virginia, president park com.
 D. A. Reed, Duluth, mngr. W. & L. dept.
 Leonidas Merritt, Duluth, com. public utilities
 C. A. Webb, Mountain Iron, clerk
 M. Glassner, Jr. Biwabik, alderman
 W. H. Hoyt, Duluth, engineer
 L. C. Peltier, Mountain Iron, delegate
 Winn Powers, St. Paul, mayor
 S. A. Farnsworth, St. Paul, com. finance

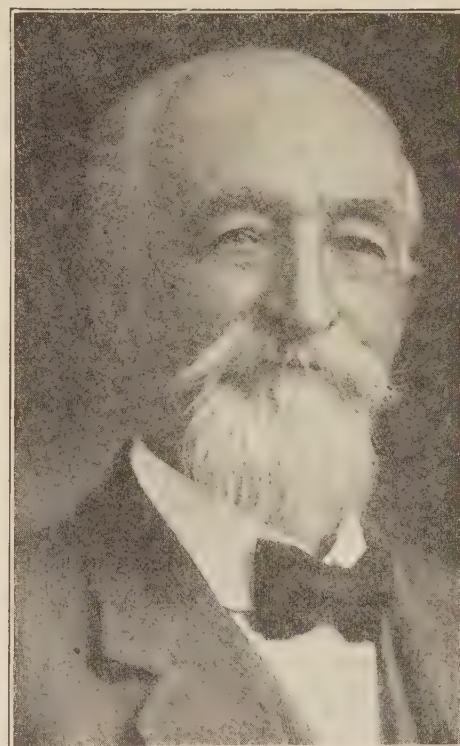
M. N. Goss, St. Paul, com. public works
 Oscar Keller, St. Paul, com. public utilities
 Louis Nash, St. Paul, com. park play grounds
 Henry McColl, St. Paul, com. public safety
 O. H. O'Neill, St. Paul, corp. consul
 Oscar Claussen, St. Paul, city engineer
 John I. Farley, St. Paul, city clerk
 Lawrence Hodgson, St. Paul, sec'y to mayor
 Geo. Skoog, Virginia
 L. B. Cronhohn, Minneapolis, delegate
 W. I. Prince, Duluth, mayor
 D. W. Owens, Biwabik, alderman
 D. W. Freeman, Eveleth, library board
 Wm. A. Schaper, Minneapolis
 J. A. Farrell, Duluth, commissioner
 F. J. Voss, Duluth, commissioner
 Samuel Grass, Duluth, commissioner
 A. B. Kaplin, Duluth Herald
 Chas. Rigdon, Duluth, inspector
 B. J. Burrows, Hibbing, trustee
 D. D. McEachin, Hibbing, M. L. board
 John A. Healy, Hibbing, senator 60th district
 T. H. Sharp, Gilbert, recorder
 C. M. Campbell, Gilbert, trustee
 M. Kohler, Gilbert, trustee
 J. W. Howatt, St. Paul, supt. of telephone
 Geo. W. Everett, Gilbert, 1st. National Bank
 J. P. Murphy, Hibbing, village acct.
 William J. Norton, 111 W. Monroe St., Chicago
 P. O'Donnell, Biwabik, alderman
 I. R. Gillpatrick, Biwabik, clerk
 O. E. Everett, Biwabik, alderman
 R. M. Heskett, Chisholm, delegate
 Frank Bowman, Gilbert, delegate

SOUTH BEND'S PROFITABLE WATER WORKS

The operating revenue of the water department of South Bend, Indiana, for the fiscal year ending last June 30 was an increase of \$19,365.25 over that of the previous year while the operating cost was reduced \$5,572.41. This is shown in the second annual report compiled by Supt. T. J. Toyne to E. M. Morris, president of the board of public works, for the utilities commission. In the fiscal year ending June 30, 1914, the operating revenue, according to the report, was \$110,032.84. For the last fiscal year the revenue was \$129,398.09. The commercial receipts for

the last fiscal year amounted to \$111,330.77 and the industrial receipts amounted to \$7,811.26, making a total of \$119,142.03. The comparative operating expenses are given as follows: 1913-14 fiscal year, salaries and wages, \$34,-475.22; repair material, \$3,823.90; fuel, \$11,-463.92; fiscal year 1914-15, salaries and wages, \$33,255.03; repair material, \$4,571.23; fuel, \$6,364.37. The pumpage in the 1913-14 fiscal year was 1,788,185,475 gallons. In the year just closed it was 1,798,688,507 gallons. There are 4,533 water meters in the city. Of this number 632 were installed in the last year. Whatever is left over from the operating revenue is used for liquidating the department's bonded indebtedness, which is \$148,000.

MINNESOTA STATE HIGHWAY ENGINEER



George W. Cooley, the engineer of the Minnesota State Highway Commission, who is a member of the committee on Drainage and Preparation of Sub-grade, of the National Conference on Concrete Road Building.

League of Minnesota Municipalities

Addresses of Welcome, Virginia, October 20-21, 1915

ON BEHALF OF CITY, HON. MICHAEL BOYLAN,
MAYOR OF VIRGINIA

Mr. Chairman, and gentlemen of the convention: Three years ago I was appointed a delegate to represent the city of Virginia for the purpose of forming the League of Minnesota Municipalities. I have been a delegate to every convention since then, and have always taken a keen interest in the work and the welfare of the association, because it is founded upon the principle of helping one another, with our experiences, in any problems that come up in municipal affairs.

At the last convention, at Mankato, the city of Virginia, through our delegates, extended to you an invitation to hold your next convention here. At that time we painted for you a word picture of what you might expect to find here on the great iron range. We told you of our wonderful school system, of our paved streets and white ways; that we had or were planning on getting everything that a modern city should have. We told you to come to the range and see what makes the great city of Duluth. Now that you are here, we hope that you may see for yourselves that we did not over-estimate our reasons for asking you to come.

Gentlemen, we are sorry that the convention will last only two days, as it will not give us the time to show you all that we planned on. On the last day of the convention we plan on taking you for a trip over the range, through Mountain Iron, Buhl, Chisholm, and Hibbing, and back by way of Eveleth. The Commercial Club of Hibbing had planned on giving you a Hibbing welcome, with a banquet, but we have had to disappoint them. The people of the iron range are pleased to show to you men from other sections of the state that we are not living in mining camps, as pictured in stories, but we are real up-to-date modern cities, such as would do credit to the oldest parts of the United States. We can show you that our miners and mine workers live in clean, modern houses, at a nominal rent; and I will now say that if anyone wishes

to go through our great saw mill, which is the largest of its kind in the world, or through any of our mines, a guide and an automobile will be at your service

In behalf of the city of Virginia and of the whole Iron Range I bid you welcome, and may your stay in our midst be beneficial to you, both in an educational and a social way.

Once more on behalf of the city of Virginia and the Range I bid you welcome.

ON BEHALF OF CITIZENS, HON. M. H. MC MAHON,
VIRGINIA

Mr. Chairman, and gentleman of the convention: The civic bodies of the city of Virginia have asked me to extend to you men in attendance upon this convention the heartiest welcome of the people of the city of Virginia. We realize that you men—many of you—have traveled long distances, have left your homes and your families, have left the different lines of work and endeavor in which you are engaged, and have come here at considerable sacrifice to yourselves. You do this in order that you may, upon your return to your respective municipalities, after discussing the various matters that will be presented at this convention, be able to give better service to the people whom you represent. We realize that you men, who are the chosen representatives of your different communities, are men that any community ought to feel proud to welcome.

In one of Napoleon's great campaigns, when his soldiers had captured a little town, the burgomaster strutted around in great consternation and was made the butt of ridicule by the soldiers. When Napoleon's attention was called to this he took his soldiers aside and chided them, and told them to treat the burgomaster of that little village with the greatest respect, and said to them, "Gentlemen, I would rather be the burgomaster of this little village than the second in command of this, the greatest army the world has ever seen."

We feel that way about you men who are the chosen representatives of your people, who are the chosen men to administer the law and the affairs of the different communities in which you live. We feel that in welcoming you here among us today we are welcoming the best brain and the best thought of this great state of Minnesota. And we take particular pride, the citizens of this community, and of this whole range country, in welcoming such a class of men. We believe that your stay here among us, with the opportunity you will have to see what Virginia has done in a civic way, cannot but be fruitful of great results for the people whom you represent.

We take pride in our city. We believe that we have a just pride in our community. We can show you what we believe to be not only the best city of its size in the state, but the best city of its size in the United States today. We can show you miles of paved streets, the best pavement in the world; we can show you fine public and municipal buildings; we can show you a school system that is unexcelled in any part of the world; and when you see these things and know that Virginia has done all this—has paved its streets, has built its schools, has constructed its buildings, with scarcely a cent of bonded indebtedness on the city today, you will know that the men and the women living in Virginia are of the right, the red-blooded kind, the men and the women who do things. Gentlemen, these are the men and the women who welcome you among us today. We want you to pay special attention to our school system. We will show you where we are grading this great foreign population, and we will show you over twelve hundred men and women—not children, but twelve hundred men and women who are attending our night schools, and developing themselves into good American citizens. We will show you enrolled as pupils in these schools, bearded men, men along in the forties, women who have reached the age of maturity, who have passed on into life, who yet want to become conversant with American institutions and American ways. We have the "melting pot" right here in Virginia, and we are making American citizens out of these people.

Gentlemen, these things would not be possible if it were not for the fact that we have here in Virginia the best citizenry that can be

found in any part of these United States. We have the men who go out into the mines and dig down and labor, men who manage great institutions, who manage business in a large way. On behalf of these men, on behalf of this citizenry in whom we justly take pride, on behalf of our beautiful city, that we believe compares favorably with any in the whole world, I now welcome you among us, and hope that your stay will be pleasant and profitable and of great benefit to the people whom you represent.

MUNICIPAL BONDS A SAFE INVESTMENT

The extreme safety of municipal bonds is indicated by the fact that since 1893 there have been defaults amounting to only \$281,000, which is a loss of only .003 of 1 per cent., i. e., 3 cents per \$100. It is probable also that most of these losses occurred on bonds which were not properly safeguarded as to legality and had not been approved by competent attorneys, and also it is true that none of these defaults occurred in states having serial bonds. The three main causes for defaults of municipal bonds are:

First. Improper purpose of issuance, i. e., many bonds defaulted which were issued to foster some private enterprise, such as the construction of a railroad which failed to come after it had received payment.

Second. Irregularities in proceedings incident to the issuance.

Third. Maturity of large amount of bonds. Very often these bonds mature long after the improvement which they were issued to create has become useless. It is not strange that people should object to paying by direct levy the bill of a former generation.

Nearly all the defaults in this country can be traced back to one of these three causes. Eliminate these causes and municipal bonds become about as safe an obligation as it is possible to conceive.—The Bond Buyer

A GOOD SHOWING

Hawarden, Iowa, on April 1, 1915 had a net debt of only \$598.00 and owns both the water works and electric lighting plants. City Clerk Reeves issued a very full and easily understood financial report, one that could well be taken for a model by small cities.

Minnesota President's Annual Address

Hon. J. E. Jenks, City Attorney, St. Cloud

To say that I am sorry to be unable to be with you at this Third Annual Convention of the League of Minnesota Municipalities is indeed but a faint expression of my feelings.

Ever since I heard the volatile eloquence of his honor, Michael Boylan, and the serious, dignified, and convincing address of Judge Montague, at Mankato last year, I knew that we all had something to look forward to—something worth while. And so, since the Mankato Convention, as I have from time to time met municipal officers in one part or the other of the state, I have asked them if they were coming to Virginia. If they seemed doubtful, I said, "Now you can't afford to miss it personally. Your town can't afford not to be represented, and while we're going to have a crackerjack program with some big men and helpful discussions, you'd find it worth your while to take the trip to Virginia just to see the Range and hear 'Micky' Boylan's address of welcome if you didn't hear anything else."

It is one of my keenest regrets that I can not hear that address, and another is that I can not see the development of that Wonder City and its associates on the Range, in the five years, since last I saw them.

Then too, I regret not seeing some mighty good friends I have in Virginia, some of whom, particularly your superintendent of schools, P. P. Calgrove, I have known since we were boys together in the village schools of Clearwater, this state, where we once fought a mighty battle as to who should be president of the United States. As I recall it, I licked Pitt but upon reaching home my father licked me because he said I was fighting for the wrong man. I dare to give my version of this event because I am not to be where Pitt can refute it, but I'd gladly take the chance of refutation if I could have the opportunity of again seeing him and a number of others, all friends of former days and places, who have for one reason or another come to the Land of Promise and Plenty—The Range.

It is deep regret to me too, that I can not

say to you some things I wanted to say and make just a few suggestions. I am therefore going to send a short message through my friend Gesell.

When I was elected president of this league, I said that our only hope of success as an organization was to steer clear of politics. At the St. Paul convention I said the same thing. At Mankato I modified the statement, but here I am ready to say as strongly as I can that the only hope of life and success for this organization is to make itself so felt as a political organization that the State Senate and House of Representatives shall know, when the farming interests, the mining interests, the railroad interests, the telephone interests and other interests are being taken care of, that the people as represented by the municipalities of the state are entitled to some consideration and protection.

Three years ago there was a peculiar situation in this state. Governor Eberhart had announced his intention of calling a special session of the Legislature for the express purpose of enacting a bill placing all the public utility corporations under a commission.

Opposed to this proposition, with headquarters in Minneapolis, was an organization known as the "Home Rule League" which was sending out anti-commission and anti-Eberhart propaganda by the yard. It was said by some, whether correctly or not, I do not know, that the "Home Rule League" was William E. Lee.

I could see where this League might easily go upon the rocks of political factions and become wrecked if it didn't steer clear of either side of that fight, and I think we did remarkably well in staying out of that fight. It would surely have killed us.

But now the situation is different, the same elements who were then opposed are still opposed, and so far as mixing in the fight between these elements is concerned we are better out. However, one legislative session has convinced me that this organization must take hold of some vitally important matters, that are right in principle

and in the interest of the people, and put them before the next legislature in such a way that they will take notice.

Now I want briefly to emphasize, at this point, the experience of the legislative committee last year.

I asked the executive committee to enlarge the legislative committee so we could have one from each Congressional District. That the committee was a good one is shown by the reading of the names.

We presented a little bill such as is on the books of Iowa, Kansas, California and other states which gave definite authority to join the League of Municipalities and pay dues. Now there is no doubt but that this can be lawfully done in Minnesota under the present laws, but the secretary thought it would help him in getting members, as the question had been raised in some of the smaller municipalities. This bill was put up to some of the leaders in both houses and our committee was assured that it would pass.

There was also presented to the legislature a bill providing that when special improvements such as sidewalks, sewers, water mains and the like are laid along the railroad, property which can not be assessed but which is undoubtedly benefitted, that the county and state officers be duly notified of the assessment; given fair hearing as to reasonableness as compared with other property; and the assessment roll include the railroad property in the same proportion as the other property assessed. After the assessment was duly confirmed, the city treasurer was to issue a warrant to the state treasurer to the amount which the railroad company would have to pay were it not for the gross earnings tax, and that amount would be paid to the municipality out of the gross earnings tax.

There was also a bill for a municipal uniform accounting system and one for city planning.

Now what happened? There was before the legislature three years ago a bill known as the Minnette bill. This bill was uniformly supported by the independent telephone companies and was passed, but was vetoed by Governor Eberhart, and its adherents did not succeed in passing it over the veto.

At the last session a bill also known as the Minnette bill was presented. I compared it with the first Minnette bill and found that it was

not the same bill in many particulars. I called this fact to the attention of Prof. Price and Mr. Gesell, and Mr. Gesell who is a Wisconsin man, compared it with the Wisconsin bill from which it was supposed to have been copied. He found it was not the Wisconsin bill in many points and that it did not, in fact, give any protection to the municipalities. We called the matter to the attention of the legislative committee and an attempt was made to get some amendments in, which would at least help some.

You will remember that the original Minnette bill was supported by the people generally and by the independent telephone companies. This Minnette bill seemed to arouse no interest among the people, it was supported by some of the independents, and the opposition was half hearted on the part of the others.

The bill was passed and the railroad and warehouse commission given rather broad power to enforce its provisions, on the face of things. But it will be noted that the railroad and warehouse commission was given practically no money with which to investigate rates or do anything else.

Has anybody seen any physical connection of telephones as provided by the law? Mind you, this law went into effect July first and incidently both the Bell companies and the Independents doubled or trebled their toll rates before July first so that they all reported in the big rates and we are all paying them without the slightest kick. In fact some who have looked the matter up say we can't kick.

I was in the railroad and warehouse commissioners' office about a week ago and took occasion to see how many applications were in for physical connection, to say nothing of rate regulations, and found two, one from Owatonna and one from northern Minnesota, I think Thief River Falls. The files indicated that no answers had been filed because the companies were trying to find out what they could do. I suppose they are still trying and that action will be postponed as long as possible.

I have heard it stated that a fight will be made and that it will be insisted that the physical connection will amount to a confiscation of property, and so unconstitutional, unless a differential is charged and that this differential will be made so high that nobody will pay it, so that in

the end the physical connection clause will be practically annulled. Now incidentally the promise to pass our little enabling bill was made before we as a League had made any move in connection with the Minnette bill. The leaders who were to see our bill passed were anxious to see the Minnette bill passed as it was, and for some strange reason our little bill never got out of the committee. They were evidently too busy seeing the Minnette bill get through right.

The railroad assessment bill, while conceded to be fair and honest, was defeated by our friends the farmers, and I want to say right here that for an organization, effective in either passing or killing bills in the legislature, the farmers have everybody beat.

The uniform municipal accounting bill was finally dropped because it would call for an appropriation and the city planning bill was never whipped into workable shape.

A number of bills affecting municipalities were passed but upon analysis practically everyone of them was a special act affecting only one city or group of cities and put through by the local member on the promise that it affected no town but his own. Nobody ever thought of the general effect of the bill on municipalities as a whole and cared less.

The legislature started in last year to do some outrageous things to the Health Department of the state. Some of these things directly affected the health and welfare of the municipalities. The Public Health Committee called on us for aid. We were willing to give all the aid possible when consistent with our main purpose but we could not do a thing because we lacked organization along that particular line.

Now isn't it time these things were corrected? Forty-one per cent of the people of Minnesota live in cities and villages of over 2,500 population and during the last ten year period the urban population increased at the rate of 38.0% while the rural population increased only 7.7%. We don't ask that our farmer friends be any less protected than they are, but isn't it fair to ask that the urban dwellers be heard by the legislature with reference to the things that are of special interest or benefit to them.

As chairman of the legislative committee, by virtue of my office, I offer no apologies. I was taken ill right in the middle of the session but

that doesn't account for the failure of the committee to produce the goods. We were not properly organized, we did no effective team work and there was nobody constantly on the job to see what was happening. Without these nothing happens.

Now I have two suggestions to offer. First, that this convention appoint a special committee to formulate some few bills that are of vital importance to municipalities, say the railroad assessment bill, the city planning bill and the uniform municipal accounting bill. There may be others you may decide more important. But these bills should be formulated by the committee and presented to the 1916 convention for discussion and if necessary a whole day given to them out of a three days' convention. Then at the convention adopt and recommend these bills for passage and see to it that they are passed. The second suggestion is that this League stand back of at least two proceedings under the Minnette bill, one for physical connection and one for revision of rates.

As cities presenting these points St. Cloud suggests itself as a good one for the first on account of somewhat peculiar situations there, the Bell system carrying both an exchange and a long distance system while the Tri-State carries only long distance, and Austin as the other because their rate system is so lined up that one local rate is about twice the other.

This will give us an opportunity to know just where we "are at" before the next convention and if we find we have been handed a lemon we shall then be in shape to suggest remedial legislation.

In closing, I want to thank all the officers and committeemen who have helped the League to do a little. I have great faith in its future. I believe it can be made one of the greatest organizations for good in the state, and while I have talked politics, I still believe that we should keep out of factional and above all personal politics and work along the great lines of public health, sanitation, uniform accounting, city planning etc.

I have greatly enjoyed my work as president and while I realize that we have fallen far short of what might be done, nevertheless we have done something and I trust that your new set of officers will prove themselves effective in the highest degree; and realize by actual results the great things this League is capable of doing in the way of making municipal administration and development efficient, economical and beautiful.

Report Secretary-Treasurer, Minnesota League

Prof. Richard R. Price, University of Minnesota, Minneapolis

The League of Minnesota Municipalities is now two years old and is holding its first convention in the northern part of the state. I believe that the organization is steadily winning favor with the cities, towns, and villages of Minnesota and that the time will soon come when the League will be a real power in promoting municipal progress in this state. The value of the League will become increasingly apparent to city officials as the knowledge of the services which it can render reaches all parts of the state. When the fact becomes generally known that the League through its municipal reference bureau is able to give officials advice on such subjects as paving, garbage disposal, sewers, water works, and other vexatious subjects which always trouble the city officials; and when it is also known that officials may obtain ordinances drawn up to conform with state laws and with the state constitution, towns will realize that these services are worth to them very much more than the small annual fee which they pay as members of the League.

We should be ambitious, however, to have it understood in the state that the League is the representative of the cities of the state, and that when it speaks it speaks with the authority of all these cities behind it. The idea should become prevalent in the state and especially in the legislature that the League is the mouthpiece of the cities and that when it speaks it represents an influential constituency. We also should have it understood that we are representing and acting for no selfish interests. We should not allow our organization to be manipulated by anybody for any selfish purposes whatsoever. If we do, our influence and prestige is to be impaired to that extent. We should aim to secure the reputation of being an organization which is working unselfishly for the interests of the cities, towns, and villages of Minnesota, and which gives all municipal problems serious study and investigation before taking action. In other words, we should be a body of students of municipal science

with strong leanings toward the practical applications thereof.

To the attainment of our object two things are essential. First, that practically all the cities, towns and villages of Minnesota be brought into membership, so that when we speak or act we shall have behind us practically the unanimous voice of the municipalities of Minnesota. Second, that the officials of our membership cities should talk about the League, use the League services, and act in unison when the League calls upon them for action. For instance, if a bill should be pending in the legislature which is against the interests of the cities, it should be possible for the secretary to send out notices and have three or four hundred telegrams and letters pour in on the committee in charge of the bill within forty-eight hours. Such a display of unanimity on the part of the League would be a powerful factor in procuring a respectful hearing on legislative matters. The secretary is informed that occasionally a councilman of one of our membership cities may be asked if his city belongs to the League. He scratches his head and replies that he really doesn't know. That should not be. The League and its mission, its methods and its purposes, should be thoroughly well known not only to the mayor and the clerk of our membership cities but to every individual councilman. For that reason it will be well that every delegate to this convention should make a complete and detailed report of the proceedings to his council at the next meeting after he returns home. We should cultivate the feeling of solidarity and the feeling that we are a united body working for common aims to the best interests of the citizens of our respective communities.

It must be said that the spirit of co-operation and good fellowship is growing in the League. We should make it a point during our deliberations to let no selfish interests creep in, but to work and plan solely for the best interests of our constituents. What we need most is knowledge of municipal affairs and the comparison of our

experiences with the experiences of others. Every municipal officer should have the ambition to make his town, to the extent of its financial resources, as good as the best anywhere. This can be done only by our present process of listening to experts and discussing the problems which confront the city officials.

Our record with the last legislature is not a very glorious one, and will be dealt with in detail by other speakers. I may simply mention the fact that the bill providing uniformity of municipal accounting was not pushed, because State Examiner Fritz assured our committee that the results aimed at could be secured without special legislation. We are informed since, that because Mr. Fritz's department did not get all the appropriations it asked for, the carrying out of the program is in doubt. Our bill expressly authorizing towns and cities to take out membership in the League and to pay expenses of their delegates died in the congestion of bills which piled in upon the legislature during the last days. There seemed to be no opposition, but the bill suffered the fate of many other worthy bills which were thrown into the closing days of the session. In the matter of telephone legislation your committee made vigorous efforts to protect the interests of the municipalities, especially with reference to safeguarding the home rule principle. One cause for failure may be found in the fact that your secretary and Mr. Gesell, who heads the Municipal Reference Bureau, could not properly put in much time at the state capitol during the legislative sessions because of their connection with the University of Minnesota. The University's appropriations were up at that time, and it is the University's policy not to encourage its faculty members to be much in evidence around the state capitol during the sessions of the legislature. I would recommend therefore, that in the future strong legislative committees be appointed and that two or three members should be asked to make frequent appearances before the committees and to watch carefully all bills affecting the municipalities. Much good work can be done by the League in killing bad bills as well as by promoting good bills.

A year ago this League authorized its executive committee to arrange for the organization of a bureau of engineering co-operation.

An attempt was made to do this and a report of the things accomplished will be read later in this session. However, it soon developed that there would be active and violent opposition to this scheme, as first outlined, on the part of the engineering profession of the state. Your secretary appeared at the annual convention of the state society of engineers and made an explanation of the League's plans, but it became evident that we should have from the start the active opposition of these engineers. Your secretary's connection with the matter, as well as Professor Bass', also subjected the University to criticism. After giving the matter much consideration during the past year, I am now of the opinion that the best solution of our difficulties would be to attempt a plan somewhat akin to the Wisconsin plan. By this plan we would have a municipal engineer attached to the Municipal Reference Bureau, whose salary would be paid by the University and who could be sent out to any city in the state in an advisory capacity only. The city would pay his expenses and he would advise them what to do about any project, but would do none of the engineering work. The city then could hire its own engineer to carry out the work as advised by the university engineer. If this plan should meet with favor from the League, it would of course be necessary for the League to give active support in the legislature to the plan so that we might get the appropriation for the salary of the engineer.

I believe it would be well to have sectional meetings or conventions during the year in addition to the annual convention of the whole League. A step has already been taken by the organization of the League of Range Municipalities. Why should we not have also a southern Minnesota section, a western section and an eastern section, each meeting for one day in the year? That would give us four meetings. These sectional organizations need have no dues and the expenses of the one-day meeting could easily be borne by the town in which the meeting is held. I am convinced that this plan would cultivate interest in the League and in municipal study and investigation on the part of towns whose delegates attend these one-day meetings. I believe that this would increase the membership of the League itself. I may state that the same plan has been broached in the Iowa League and

it is quite possible that it will be attempted there.

The services of the Municipal Reference Bureau have been increasing in demand during the past year. Professor G. A. Gesell, who is in charge of the bureau, reports that during the year ending August 1, 1915, eighty villages and cities referred specific inquiries to this department. During the preceding year only fifty-three villages and cities availed themselves of the services of the bureau. The inquiries during the past year, therefore, represent an increase of over fifty per cent as compared with the year before. The inquiries covered a wide range of information. Some called for specific facts that were easy to ascertain. Others called for research or investigation which took a long time to compile. The answers to some inquiries could be obtained at the university. In other cases it was necessary to circularize a great number of cities over the country to get their experiences. In many cases the bureau was asked to draw up specific ordinances to comply with the constitution and laws of Minnesota.

In addition to the requests for information received from within the state, there were over two hundred letters of inquiry received from without the state.

Professor Gesell has been relieved of some of his teaching duties so that the bureau is now in a better position than ever to take care of inquiries and to be of general service to the municipalities of the state. It is hoped that more than ever city officials will get into the habit of referring their difficulties and their questions of information to the bureau. It will be a distinct help to the bureau if all the cities make it a point to file a copy of their ordinances with Professor Gesell. When possible bound copies of the ordinances should be sent, but if this is not possible, newspaper clippings of the published ordinances will answer. The more the bureau is used by the city officials, the more useful it will become and the more uniform will be the action of the municipalities upon the questions and problems that arise from time to time.

There will be one more convention of the League in addition to the present convention before the Minnesota legislature meets again. During that time a program of legislation should be agreed upon and a live and energetic commit-

tee on legislation appointed. It will be well for the committee appointed after this convention to spend the entire year in considering the entire field of municipal legislation and in deciding what legislation is most urgently needed and what legislation should be pushed at the next session. In my judgment it would be wise for us to concentrate upon two or three well considered measures, and to put behind these measures all the weight of the influence of this organization. The measures should be closely watched by the committee when crucial times occur, no hesitation should be felt in calling for letters and telegrams from all officials of the League to be sent legislators who oppose these measures. Among these measures we should once more push an act expressly authorizing any village, town or city of Minnesota to pay annual dues in the League of Minnesota Municipalities and to pay the expenses of not more than two delegates to the annual convention of the League. As stated before no particular opposition to this measure developed in the last session of the legislature, and if the bill is introduced early in the next session it will in all probability become a law without serious opposition.

Up to October 16 when this report was prepared one hundred and fourteen (114) cities, towns and villages have come into membership of the League during the year. The following is the list:

Ada	Aitkin
Albert Lea	Aurora
Austin	Baudette
Bemidji	Bigelow
Blue Earth	Brainerd
Breckenridge	Buhl
Butterfield	Caledonia
Canby	Cannon Falls
Chaska	Chatfield
Clara City	Clarkfield
Coleraine	Deephaven
Detroit	Dodge Center
Duluth	Ely
Emmons	Eveleth
Frost	Gilbert
Glenwood	Hancock
Hastings	Herman
Heron Lake	Hibbing
International Falls	Jackson
Janesville	Kasota
Kasson	Keewatin
Lake Benton	Lakefield
Little Falls	Long Prairie
Madison	Mahnomen

Mankato	Marshall
Mazeppa	Melrose
Milaca	Milan
Minneapolis	Minneota
Minnesota Lake	Minnetonka Beach
Montevideo	Moorhead
Morris	Mountain Iron
Nashwauk	New Ulm
Northfield	Norwood
Nevis	Ogema
Ogilvie	Ormsby
Osseo	Parkers Prairie
Paynesville	Plummer
Porter	Raymond
Red Lake Falls	Red Wing
Rockville	Rosemount
Rush City	Rushmore
St. Cloud	St. Louis Park
St. Paul	St. Peter
Sauk Center	Sauk Rapids
Seaforth	Shakopee
Silver Lake	Sleepy Eye
South St. Paul	Spooner
Staples	Stillwater
Thief River Falls	Tonka Bay
Tracy	Two Harbors
Virginia	Wabasso
Wadena	Watkins
West Minneapolis	West St. Paul
Wheaton	White Bear Lake
Willmar	Winnebago
Winona	Winsted
Woodstock	Worthington

Our fiscal year ended on September 1, 1915, and at that time dues for the year ending September 1, 1916 became payable. Notifications were sent to all the towns from the secretary's office and in addition one or two duns were sent urging officials of the cities not yet heard from to renew their membership promptly. Eighteen (18) towns have not yet sent in their dues for the current year. The following is the list of these

towns:	Frost
Brainerd	Heron Lake
Gilbert	Long Prairie
Jackson	Moorhead
Melrose	Ormsby
Marshall	Red Lake Falls
Porter	Silver Lake
Red Wing	Watkins
Spooner	Winsted
West St. Paul	

However, of these towns only two have notified the secretary that they wished to withdraw from the League. These towns are Brainerd and Long Prairie. We are assuming that the towns which have not sent in their dues for the current year have simply overlooked the matter and will attend to it later. If all of these

towns drop out permanently, it will leave a net paid up membership of the League for this year of ninety-five towns. After the convention the secretary will make another effort to bring these towns to renew their membership. There is one cause that militates constantly against our keeping towns regularly in the League from year to year. That cause is the regular change of city officials. The new officers often know nothing of the League and it takes about a year of constant circularizing to acquaint them with the organization's purposes and aims and to enlist their interest to the extent of inducing them to take out membership in the League.

The secretary's efforts in inducing towns to join the League should be supplemented by efforts on the part of the membership committee. This committee should be composed of one officer from each congressional district of the state, and each officer should see to it that the cities, towns and villages of his district take out membership. A constant and unremitting campaign both from the secretary's office and from the officers of the committee on membership should easily double the paid up membership of this League.

I may add that we have been fortunate this year in the character and ability of the officers of the League. Our president, even under the handicap of ill health, has labored constantly and unceasingly to push the organization and to advance its interests in every way. The trustees also have shown an unflagging interest in the business of the organization. I trust that we are but at the beginning of a career of prosperity which will make Minnesota towns and villages take high rank among the best governed municipalities in this country.

FINANCIAL REPORT OF THE TREASURER

This financial report together with the vouchers, cancelled checks and check book is hereby submitted to the auditing committee.

October 2¹, 1914—Balance carried over from
last year..... \$ 692.76
Received as annual dues from cities during
year..... 1,295.00

Total receipts.....	\$ 1,987.76
Expended for postage.....	\$ 188.50
Expended for printing.....	434.95
Expended for office expenses.....	46.44
Expended for miscellaneous items	586.35
 Total expenditures.....	\$ 1,256.24
Balance on hand October 16, 1915	\$ 731.52

The detailed account of how this money was spent and for what purposes may be learned from the itemized statements in the treasurer's books which will be handed over to the auditing committee. I may mention however, a few specific items.

1. The item of postage \$188.50 was spent largely for circularizing purposes. Many circular letters were sent out urging towns to join the League; and moreover much postage was used in sending out copies of the proceedings of last year's convention.

2. Of the item of printing \$434.95, last year's proceedings cost \$245.35. The programs for this meeting, envelopes, and post card invitations cost \$55.90 Stationery and folders descriptive of the League's activities cost \$91.50. The balance was spent on miscellaneous small printing items, as well as mimeographing and multigraphing.

3. The item of office expenses amounts to \$46.44. Of this amount \$18.10 was paid to girls for addressing circulars and announcements. \$18.50 was paid for senate and house journals for the committee on legislation during the session of the legislature. Nearly all of the balance was spent for exchange on warrants and checks sent in by cities for their dues. This item could be considerably reduced if cities made a practice of sending in their dues in the form of drafts. It should be noted that the League has no expense of salaries included under this item, office expenses, since the League has no salaried officers. The routine work of the League is carried on in the offices of the general extension division at the University of Minnesota, particularly in the municipal reference bureau.

4. Under miscellaneous items of expense amounting to \$586.35, the largest single item is \$110.00 paid to the American City Bureau for the League's share of the expenses of the exhibition made at Mankato last October. \$39.75 was paid to the reporter who transcribed the Mankato proceedings. \$408.65 was paid to Mr. F. G. Pierce, Marshalltown, Iowa, editor and owner of the magazine, American Municipalities, which is the official organ of this League. The executive committee entered into a contract with Mr. Pierce to pay him five cents a copy for each monthly issue of the magazine. A copy is sent to the mayor, clerk, attorney, and council-

man of each membership city. This amounts now to about \$38.00 a month. It should be stated that when the League funds ran low in August, just preceding the close of the fiscal year, Mr. Pierce sent out the August number without charge.

LIST OF COMMISSION-MANAGED CITIES

The Short Ballot Bulletin in a recent issue publishes the following information in regard to manager cities.

City	Population
Sumter, S. C.....	8,109
Hickory, N. C.....	3,706
Morganton, N. C.....	2,712
Dayton, Ohio	116,577
Springfield, Ohio.....	46,921
Phoenix, Ariz.....	11,134
La Grande, Ore.....	4,843
Amarillo, Tex.....	9,957
Cadillac, Mich.....	8,375
Manistee, Mich.....	12,381
Montrose, Col.....	3,252
Taylor, Tex.....	5,314
Denton, Tex.....	4,732
Collinsville, Okla.....	1,324
Lakeland, Fla.....	3,719
Big Rapids, Mich.....	5,519
Jackson, Mich.....	31,433
Sherman, Tex.....	12,412
Bakersfield, Cal.....	12,727
Tyler, Tex.....	10,400
Newburgh, N. Y.....	27,805
Sandusky, Ohio.....	19,989
Ashtabula, Ohio	18,266
Niagara, Falls, N. Y.....	30,445
Wheeling, W. Va.....	41,641
Alpena, Mich.....	12,706
Santa Barbara, Cal.....	11,659
San Angelo, Tex.....	10,321

In addition there are officers called managers in the following towns, which do not have commission-manager charters or lack some of the fundamental features of the plan: Staunton and Fredericksburg, Va.; Norwood, Mass.; Inglewood and San Diego, Cal.; Glencoe and River Forest, Ill.; Grove City and Titusville, Pa.; Morris, Minn.; Clarinda and Iowa Falls, Iowa; Clark, S. D.; Beaufort, S. C.; Tucson, Ariz., and Roswell, N. Mex.; Terrell, Tex.; Grand Haven, Mich.; Alhambra, Cal. In Canada: Port Arthur, Ontario, and Maisonneuve, P. Q.

There are state-wide laws permitting cities to adopt this plan in Massachusetts, New York, Virginia, Ohio and Iowa.

Report Committee on Judicial Opinions

League of Iowa Municipalities, Ben P. Poor, City Attorney, Burlington, Chairman

In the interpretation of the laws which govern us in the administration of the affairs of our cities and towns we are especially concerned with the construction placed thereon by the supreme court of the state. While that court is not necessarily the court of last resort, it practically is, in as much as comparatively few cases involving the rights, duties and obligations with which we have to deal find their way into the United States courts. Thus it is that we turn to our supreme court for guidance in discharging our official duty, and sometimes we find it and sometimes we do not.

During the year last passed some twenty-five cases of interest to cities and towns have been decided by the Iowa supreme court and I will attempt to outline to you in a brief way the decisions reached therein.

CASES RELATIVE TO IMPROVEMENTS

The first case I will take up is *Guthrie vs. McMurren* found in 149 N. W. 71. This was an action to recover the value of certain material used by plaintiff in constructing a sidewalk in front of his premises which was ordered removed by the city council and a new walk placed in its stead. After plaintiff had built his walk on his own motion the city council of Wyoming passed an ordinance requiring a walk to be laid at a place where plaintiff had previously laid his walk and at a different grade. Plaintiff was notified to take up and relay the walk. This he failed to do. The city then contracted for the laying of the new walk specifying in the contract that the contractor might use the material in the old walk, if suitable. This he failed to do but sold the material in the old walk to the defendant. The first walk was not at grade. The question in the case was who was the owner of the blocks? The court said that the city acting for the public, had refused to accept the walk. It paid nothing for the walk, contributed nothing to the building of the walk, assumed no jurisdiction over the walk, repudiated it and ordered it removed at once. The material in the walk was unquestion-

ably then the property of plaintiff and no contract or agreement between the city and its contractor could effect the ownership. The court further states that it is unquestionably the law that one who places even a fixture on the property of another under mistake as to his right so to do, where he acts in good faith, may, upon discovering his mistake reclaim his property where it can be done without injury to another.

Of more interest perhaps are some of the points developed in the case of *Hubell Son & Co. vs. city of Des Moines* 150 N. W. 701.

This was a suit by property owners to enjoin the collection of special paving assessments levied against their lots on the ground that the assessments were void and fraudulent.

The ordinance under which the paving proceedings were had contained a provision that the council "shall determine the time, not less than one year, during which the contractor shall be required to keep said improvement in good repair".

This is substantially the same as section 814 of the Code. The preliminary resolutions and contract required a guarantee that the improvement shall continue without need of repair. The court points out that the ordinance in enacting the condition quoted did not specifically or inferentially preclude requiring more, and that the city officers not only obeyed the ordinance but undertook to guard against any lapse on the part of the contractor affecting the character of the improvement when done.

After the contract was let there was a change of grade in the street to be improved and the improvement as laid did not conform with the last grade established. The property owners contend that this change of grade and variance invalidate the contract. The court held that the variance and change of grade did not produce such an effect, as such was related not to the power of city to make the improvement, but merely to the manner of doing so, and the exclusive remedy therefor was through objection

to the city council and appeal to the court in the event of adverse ruling.

The court further held that the objection that the assessment was in excess of twenty-five per cent of the value of property assessed not having been presented to the council was waived.

In this case the work was not commenced at the time it was to be completed and on this ground it is contended that the assessments were void. As the contract provided for an extension of time the court held that it ought not to be said that such extension, if not beyond a reasonable limit within which the improvement, in view of the circumstances should be completed, will invalidate the contract and obviate liability for the assessment.

The case of Ottumwa v. McCarthy Improvement Co. 150 N. W. 586 was an action on the guarantee bond of a contractor to repair pavement. The contractor had executed two bonds, one for the faithful performance of the contract to make the improvement according to the plans and specifications and the other assuring the guarantee of the improvement for a period of seven years. The improvement was to be made under the supervision and to the satisfaction of the city engineer and street committee. This was done and the improvement accepted by the council. This was in compliance with the conditions of the first bond and thereafter the city, in the absence of fraud, might not, in an action thereon, question performance in conformity with the plans and specifications. But, says the court, the parties in the contract undertook that an additional test should be applied to the work performed and material furnished, that of use and time. The manifest object of this was to obviate any mistake or oversight through negligence or dereliction on the part of representatives of the city and further assure it of the quality of workmanship and material stipulated. The contractor is merely required to guarantee, in addition to his undertaking to perform according to plans and specifications and to the satisfaction of the officers of the city, that he will make good any defects arising from bad materials or the improper performance of the work during the stipulated period, and the bond is the security for compliance therewith. It is to cover future contingencies subsequent to acceptance by the

city and to protect it against those defects which may have been overlooked or have subsequently developed, regardless of whether they were known to the representatives of the city or not. The action of the city officials in approving the work and acceptance by them when done furnishes no defense.

In the case of Fairfield against Jefferson county 151 N. W. 53 the court holds that in order to effect an appeal from the ruling of the council on a special assessment that not only must notice be served on the mayor or clerk but a bond must be filed within the time fixed by statute viz. (10) ten days from date of levy, and this provision cannot be waived by the city officers. The filing of the bond and the giving of the notice of appeal is mandatory and cannot be waived.

The case of Thomas v. Grinnell 153 N. W. 91 was an action to restrain, the city of Grinnell, its mayor and council from constructing or installing certain changes in its sewer system and from letting any contract therefor or in any other manner authorizing such work. In the year 1914 the city council inaugurated proceedings which contemplated a new trunk sewer at a depth and grade which would carry its flow to the southwest to a disposal plant. Into this new trunk sewer it was proposed to lead all the flow from the original sewer system as well as from the remainder of the city territory theretofore not supplied with sewer accommodations. The enlarged system was to be used as a sanitary sewer. The plan also contemplated a disposal plant which was to receive the discharge from the trunk sewer and by chemical and other treatment deprive it of its impurities and turn the remainder in an innocuous and inoffensive condition into Sugar creek. The plaintiff is the owner of considerable farm land along or near the course of Sugar creek between the proposed disposal plant and the place where the creek empties into the Skunk river.

Reduced to brief terms the argument for appellant is: First, that the effect of the change in the sewer system is to cast upon his land the burden of receiving drainage water from lands, the natural drainage of which is in another direction; and, second, that if constructed the effect of the sewer system will be to create a nuisance to his injury by corrupting the waters of

the stream. To call the law into action for the defense of the servient estate, the collection and discharge of water thereon in other than the place of its normal flow * * * in a state of nature it must be in "greatly increased or unnatural quantities," and that the damages therefrom must be "substantial" in character.

The court says that the record convinces us that plaintiff fails to show with any reasonable certainty that the drainage from the city which is merely an incident to the construction of a sewer system constructed for an altogether different purpose will increase the flow of Sugar creek in a manner to materially injure the lower riparian proprietors. Can this court assume in advance or find from the evidence that the city will neglect or may not be able to install a disposal plant which will effectually remove the unclean elements from the sewage and purify the water which it discharges into the creek? Undoubtedly it has no right nor is it within the power of this court to give it a right to cast filth or other poisonous substances into the stream injuring its quality for ordinary uses. But what appellant asks us to do is to hold that he has proved that such is the purpose of the defendants or at least that such will be the natural or necessary result if they are permitted to proceed with the improvement. None of the experts testifying in this case deny the practicability of devices of this nature, and as a whole their opinions appear to justify the venture by the defendant city. And while conceding that the dumping of large quantities of filth into a stream may create a nuisance which the courts would enjoin in advance of the wrongful act if threatened, we are not yet prepared to say, as a matter of law, that a sewage disposal plant may not be so constructed and carried on, as not to be a source of annoyance or injury to any one. The general rule is that no injunction will be decreed except upon a clear showing of injury, and the court must in each instance act with full conviction of its urgent necessity.

That a sewer system with a proper disposal plant upon the bank of a stream is not a nuisance per se has already been held by this court in Hollenbeck v. Marion, 116 Iowa, 77, 89 N. W. 212.

In C. R. I. & P. Ry. Co. v. Centerville, 153 N. W., 106, the railway company in an

appeal from the action of the city council levying special assessments for street paving on their right of way submit two propositions; (1) That, as a proposition of law, no special benefits accrue to a railway company from the paving of a street abutting or adjoining its right of way; and (2) that, as a proposition of fact, plaintiff's property was in no manner benefited by the paving of south eighteenth street in the defendant city.

The court held that under section 791-i supplement to Code there is no question but that a right of way abutting on a street improved is subject to special assessment and that the only question presented was whether under the proven facts the court should hold that the railway property was in no manner benefited by the improvement.

The court says: In other words, the action of the council in ordering the pavement and providing that the cost shall be assessed upon the abutting property is a legislative determination that the property will be benefited thereby, and such determination cannot be set aside or overruled in a judicial proceeding. This is not inconsistent with the right of the property owner to question and have determined the regularity of the procedure by the council and the equality of the assessment. In other words, while the owner of abutting property may object that it has been over assessed, he cannot if the proceedings have otherwise been regular, be heard to say that it is not liable to be assessed at all. The law does not mean that before such an assessment can be levied and enforced the city must be able to show that by reason of the paving the abutting property has been advanced in market value to the extent of the assessment, or point out in detail the specific way and manner in which the requisite benefits are to be realized in the future. Were such to be the rule, few, if any, schemes of local improvement at the expense of the property immediately affected could ever be accomplished. It is natural for the average property owner to resent the burden thus laid upon him, and he easily persuades himself that the thing for which he is asked to pay is a detriment, rather than a benefit, to his land, and ordinarily it is not difficult for him to find plenty of sympathizing neighbors who will unite in supporting his contention. Indeed, the benefits to be derived in such cases are ordinarily not

instant upon the inception or completion of the improvement, but materialize with the developments of the future. They are none the less benefits because their full fruition is postponed, or because the present use to which the property is devoted is not of a character to be materially affected by the improvement. To this general effect is our holding in *Bell v. Burlington*, 154 Iowa, 614. The same question of benefits to a railroad right of way from a street improvement was considered by the supreme court of the United States in *Louisville Ry. Co. v. Barbor*, 197 U. S. 430, 25 sup. ct. 466, 49 L. Ed. 819, where Mr. Justice Holmes, speaking for the court, says:

"The foundation of this familiar form of taxation is a question of theory. The amount of benefit which an improvement will confer upon particular land—indeed, whether it is a benefit at all—is a matter of forecast and estimate. In its general aspects, at least, it is peculiarly a thing to be decided by those who make the law."

The law which permits such expenses to be laid upon all abutting property in proportion to benefits does not limit its inquiry merely to the land as related to its present use, but, while not disregarding such use, it does not overlook its general relations "apart from its particular use." In the instant case the appellee owns a right of way 100 feet in depth and 850 feet in length bordering on the street. It is within the platted portion of the corporate territory of a city of from 7,000 to 9,000 inhabitants. It is occupied and used by the appellee for railway purposes, and is within convenient distance of other railways. The paving of the street obviously improves its usefulness and convenience as a means of travel and transportation in that immediate neighborhood, and facilitates approach and access to appellee's station and warehouses from the south. When the right of way is thus considered in the light of the rule laid down by the federal court, there is no more reason for holding it exempt from assessment than there is for exempting the property abutting the other side of the street which has presumably been charged with the payment of one-half the expense of the paving.

If it be considered as a matter open to judicial inquiry whether appellee's property received any benefits at all, we think, in view of the presumption to which we have referred, that

all abutting property derives some degree of benefit from the improvement of an abutting street, and in further view of the *prima facie* correctness of the assessment by the council, the burden of negating such benefit is upon the company, and we have no hesitation in holding that the evidence is insufficient to satisfy or remove that burden.

AS TO THE USE OF STREETS

The case of *Schultz vs. Stringer et al.*, 150 N. W., 1063, was an action to quiet title and for an injunction against the mayor and marshal of the town of Alden to enjoin them from removing an obstruction by plaintiff in an alleged alley. The plat showed an alley and plaintiff had fenced up same. The court refers to its holdings in late Iowa cases to the effect that the statutes of limitations does not run against a municipality and also to the doctrine of estoppel which is an important doctrine for city officials to understand. Referring to the latter doctrine the court quotes from an early case.

"In the smaller and less fortunate towns, where the rate of growth is quite slow, it might be many years before the public convenience would necessitate the improvement of every street and alley to its full extent, and, if meanwhile a lot owner has extended his fence to include a platted public way for which there was at the time no immediate need, the possession thus taken, in the absence of other circumstances, is in no sense adverse to the public, and acquiescence in such use by the public or municipality until the time arrives when in the opinion of the proper authorities the way should be opened up will not work an estoppel in favor of the lot owner," and states in the instant case there is testimony of witnesses that at the time plaintiff purchased this property the alleys, and even some of the streets, were not needed; but, as the town grew in that direction and the vacant lots were filled up, there was a necessity for opening up the streets and alleys for the convenience of the public. Nonuse is not enough to constitute an abandonment unless coupled with affirmative evidence of an intention to abandon. *McCarl v. Clarke county*, 148 N. W. 1015, 1018.

In the case of *Pilgrim v. Brown* 150 N. W. 1, the interpretation of section 21, chapter 72 laws of the 34th G. A. giving local authorities the right to limit the speed of motor vehicles on

public highways, was in question. The statutes gives this right on condition that each city or town shall have placed conspicuously on each main public highway where the city and town line crosses the same, and on every main highway where the rate of speed changes "slow down" signs in the form prescribed. In this case the sign was some 503 feet from the boundary line. It was held that a substantial compliance with this condition was all that was required and that the evidence in this case showed a substantial compliance.

We have all speculated a good deal about the meaning of section 2 of chapter 102 of the acts of the 33rd G. A. relative to street crossings and traction engines, which is as follows, viz; "until the first day of November 1910 no traction engine shall cross any bridge, crossing or culvert in a public highway or street unless sound, strong planks, not less than one foot wide and two inches thick be placed and kept continuously under the wheels."

"No traction engine having mud lugs or ice spurs attached to its wheels shall be moved over any bridge, culvert, or street crossing."

The court in passing on this section in *Hedrick v. Lanz* 152 N. W. 610 says:

"The legislature of the state, in repealing section 1571 which required planking and in enacting chapter 102 of the 33rd G. A., evidently made a balancing between the inconvenience to the public in requiring the carrying of these heavy planks when driving traction engines and the injuries incident to the use of the public highways without planks, and reached the conclusion that a more reasonable and salutary regulation would be to require these municipalities to prepare their crossings, bridges, and culverts so that engines could pass without the use of these planks. That is, that it was more reasonable and just to require the municipalities to prepare the public highway for the passage of these traction engines without planks than it was to require the driver of the traction engine to transport these planks from point to point, adjust them, and use them at crossings, culverts, and bridges. The intent and purpose of the legislature in repealing section 1571, and in enacting chapter 102 of the acts of the 33rd G. A. is made manifest by its action in continuing the inhibition until the 1st of November, 1910, and then limiting the inhibition

only to traction engines encumbered with mud lugs and ice spurs. These incumbrances, on which the inhibition rests, may be removed from the engine, and then the inhibition does not attach.

It is true that under section 753 of the Code, cities and towns have the care, supervision, and control of public highways, streets, avenues, alleys, public squares, and commons within their limits, and that it is their duty to keep the same open and in repair and free from nuisance. It is true that section 695 gives to towns the power to enact ordinances to protect its property. It is true that, generally speaking, a municipal corporation has absolute control of its streets, and may enact such ordinances, not inconsistent with the laws of the state governing their use, as shall be necessary in its judgment to protect the public. There are two limitations upon this right to enact ordinances; first, the ordinance must be reasonable and must be without undue discrimination; and, second, it must not contravene the policy of the state expressed in its legislation. It is true that section 680 grants to cities the power to make public ordinances for carrying into effect, or discharging, the powers and duties conferred upon them, and such as seem necessary and proper to provide for the safety and to preserve the health, etc. of such corporations. But this section limits the power to pass ordinances, in that it provides that the ordinances passed shall not be inconsistent with the laws of the state touching the same subject matter. It is true that all cities and towns may enact ordinances, even where the state has legislated upon the same subject, but even then the ordinance must not be inconsistent with, or contravene, the policy of the state as expressed in its legislation.

The engine in the case in question weighed 15,400 pounds. Surely this case shows how restricted are the powers of the cities and towns and how little can be done in some cases to protect ourselves.

In the case of *Kent v. city of Harlan* 152 N. W., 6., it is held that while hitching posts on a street are not a "nuisance per se" they may become a nuisance in fact and no authority is conferred on the city to maintain them as such.

The case of *Callahan v. city of Nevada*, 153 N. W., 188, was a suit to enjoin defendant city from closing an area or open stairway lead-



Weavers of Speech

Upon the magic looms of the Bell System, tens of millions of telephone messages are daily woven into a marvelous fabric, representing the countless activities of a busy people.

Day and night, invisible hands shift the shuttles to and fro, weaving the thoughts of men and women into a pattern which, if it could be seen as a tapestry, would tell a dramatic story of our business and social life.

In its warp and woof would mingle success and failure, triumph and tragedy, joy and sorrow, sentiment and shop-talk, heart emotions and million-dollar deals.

The weavers are the 70,000 Bell operators. Out of sight of the subscribers,

these weavers of speech sit silently at the switchboards, swiftly and skillfully interlacing the cords which guide the human voice over the country in all directions.

Whether a man wants his neighbor in town, or some one in a far-away state; whether the calls come one or ten a minute, the work of the operators is ever the same—making direct, instant communication everywhere possible.

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ing to a barber shop.

It was there held that cities in the exercise of their proper functions may grant a permit for the use of its streets for ingress and egress to floors below the level of their streets but such a permit is revocable at any time in the sound discretion of the proper governing body. The court further held that as the doctrine of ancient lights does not obtain in this state and no property owner is compelled when erecting his building to afford an abutter either light or air, there was nothing in the plaintiff's proposition that the area way should not be closed because it deprived him of light in his basement. The court in forming its opinion in this case went upon the assumption that the city owned the fee to the street. A few of the cities do not own the fee to their streets.

In the case of Tackaberry vs. Simmons 152 N. W. 779, a suit against a city and an adjacent land owner for damages by a flood claimed to have been produced by a bridge, it is held that those building a bridge over a stream are not bound to guard against unprecedented floods although they must provide for ordinary high waters. Also that where the builders of the bridge were negligent and the plaintiff's premises would not have been damaged but for their negligence, the fact that the flood was unprecedented is no defense. It is further held that where a city builds a bridge according to the plans and specifications of a competent and skillful engineer familiar with the locality, it is not liable for damages from the flooding of adjacent property because the bridge obstructs the outlet of a stream.

AS TO CORPORATE LIMITS

The statutes (viz. sec. 622, 1913 Suppl. to Code) provides for the severance of territory from cities and towns. In the case of the Platt Pressed & Fire Brick Co. v. town of Van Meter, 153 N. W. 178 the court holds that the wishes of the owners seeking severance is not controlling but the ultimate questions are: Is the territory reasonably needed in anticipation of the future growth of the town? Is it important that the territory be retained for sanitary purposes, or that the town have jurisdiction thereof for the purpose of policing the same? If the only reason of the city or town retaining control of territory sought to be severed is to derive an income therefrom by way of taxation the land should be

severed.

AS TO PROCEDANCE

A case having to do with the initiative and therefore being of interest to commission cities is that of Des Moines City Ry. Co. v. Susong City Clerk, 150 N. W. 6. This was an action in mandamus to require Susong to canvass and certify an alleged petition purporting to be signed by more than 25 per cent of the voters of the city of Des Moines requesting the passage of an ordinance as provided by section 1056, a-37 supplement to Code. The court held that defendant was not required to canvass and certify the petition for the reason that Code supplement section 1056 a-37 is not applicable to enactment of franchise ordinances such as are contemplated by section 1056 a-30 of the supplement. In brief, a person or corporation cannot take advantage of the initiative to secure an election on a franchise question.

Last year in the city of Davenport there arose the question of whether in filling a vacancy in the council the mayor is to be included in ascertaining the majority of its members. In State v. North, 151 N. W. 922 the court held that in as much as the express language of the statute made the mayor a member of the council the mayor should be counted in determining a majority of the council and hence where one of a council of nine died a candidate for the vacancy receiving four votes to three of his opponent, the mayor not voting, was not elected. Davenport is a special charter city and this law applies to special charter cities only.

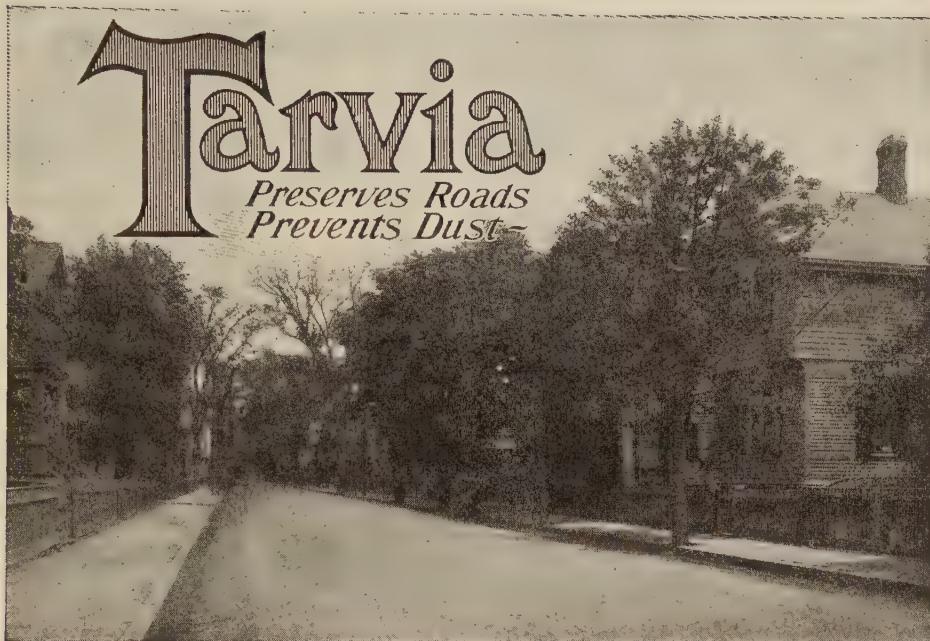
A CORRECTION

Our attention has been called to two errors in the table of gas rates published in the last issue. The gas rate at Duluth instead of being 90 cents is 75 cents for illuminating at 50 cents for fuel.

The rate at Austin was given at \$1.60. The rates in this city are as follows:

The first 2,000 cubic feet.....	\$1.35
The next 3,000 cubic feet.....	1.30
The next 10,000 cubic feet.....	1.20
The next 10,000 cubic feet.....	1.10
All in excess of 2,500 cubic feet.....	1.00

On April 1, 1916, the rates automatically decrease five cents from each of the above items except the last, which remains the same, the \$1.00 being the minimum.



*Columbia Street, Cambridge, Mass.
"Tarvia-X", 1909*

The Story of Columbia Street—

Seven years ago this street was re-surfaced with $2\frac{1}{2}$ inches of new stone and "Tarvia-X". The work was crudely done judged by modern standards, but nevertheless has proved an excellent investment for the city of Cambridge.

It affords a peculiarly difficult test, for the street is only 22 feet wide and carries a concentrated traffic of 4,000 to 6,000 vehicles per day, giving the heaviest traffic per foot in width endured by any street of the kind in the United States. In comparison with the traffic the annual maintenance expense is insignificant, consisting simply of a coat of "Tarvia-B" applied once a year.

What the city authorities think of Tarvia is evident by the large extensions of Tarvia work that have been made yearly in Cambridge.

The use of "Tarvia-X" in the original re-surfacing work added little to the cost of the job but

added six years to the life of the road, for plain macadam with its tender, quickly-abraded surface would have worn out within a single season under such traffic and the dust nuisance would have been acute.

In other words, by using Tarvia as a binder the re-surfacing job has already lasted seven times as long as it would otherwise have lasted and it has not worn out yet.

"Tarvia-X" is a viscid coal tar preparation which is applied hot. It is inherently proof against water and frost and has great bonding power. It encloses the stone in a tough matrix and makes the road automobile-proof.

"Tarvia-B" is a lighter grade which is applied cold at a very low cost per square yard.

There is a grade of Tarvia and a Tarvia specification for every macadam road problem.

Illustrated booklet on request.

Special Service Department

This Company has a corps of trained engineers and chemists who have given years of study to modern road problems. The advice of these men may be had for the asking by anyone interested.

If you will write to the nearest office regarding road problems and conditions in your vicinity the matter will have prompt attention.

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NINTH CHICAGO CEMENT SHOW

The ninth Chicago cement show will be held at the Coliseum and Armory in Chicago February 12-19, 1916. This show has grown so that it is now necessary to have two of the largest show buildings in Chicago to house the exhibits.

The second national conference of Concrete Road Building will be held at the Auditorium hotel February 15-18 in connection with the show.

Every municipal official and especially engineers, should arrange to attend the road conference and exhibit. Any information desired will be furnished by Mr. J. P. Beck, the secretary 208 South La Salle street.

A SAVING ON PAVEMENTS

The city of Miami, Florida, has recently amended its charter so that the city can pay paving contractors cash on monthly estimates for the work done, issue bonds to make the payments and then levy special assessment certificates against the property to reimburse the city. This plan has resulted in an immediate saving of five per cent on paving contracts, where cities have home rule it will pay the officials to look into this plan of paving and if possible make this saving for their property owners.

BOONE CITY TAX LEVY

	mills
General fund	10
Water works.....	5
Fire department	4
Street light.....	5
Improvement	$1\frac{1}{2}$
Grading.....	1
Park.....	1
Sewer purifying plant	3
Fire equipment.....	1
Bond	3
Library	2
Firemen's pension	$\frac{1}{4}$
Policemen's pension	$\frac{1}{4}$

NEW PAVEMENTS DEDICATED

With the recent completion of the pavements on the North Side of Des Plaines, Ill., that village now boasts of over six miles of pavement in the heart of the business and residence

sections. Village officials take just pride in the completion of this work and on Saturday, October 30, they brought it forcibly to the attention of the citizens by a formal dedication ceremony including an automobile parade, speeches by city and road officials, a flag raising and breaking of bottles of champagne on north and south side streets.

This is the first survey of the positive and negative factors in recreation made by a commercial organization. Work was done by a representative committee, appointed by the Madison Board of Commerce, including every social and civic interest in the city, under the leadership of Clark W. Hetherington, Professor of Physical Education, University of Wisconsin.

The survey is most scientific in method, comprehensive in social and educational meaning, exhaustive in illuminating details, and as practical for applied, constructive effort as any recreational survey yet made.

A unique feature of the, is a number of map surveys, showing not only the distribution of children, but also age periods in wards and the relation of area and general population, giving each child in the city in an individual dot, different in form for each age period, located on the lot on which the child lives. Another large map gives each building, drawn to scale, which may be compared with the distribution of population.

Another chapter gives the general deductions and presents the recreational problem of Madison with a recommendation for the organization of a new type of central play and recreation committee composed of five members to act on all questions of policy and procedure in the interest of the whole city in the promotion, organization and administration of physical and out door activities social centers, music, dramatics, pageants and special celebrations and individual and domestic recreation.

POWER DAM FOR FT. DODGE

At the recent election, the bonds for building the power dam at Ft. Dodge, were carried by a considerable majority and in the face of the bitterest kind of opposition. This result is a great victory for Mayor Ford and the present administration. Ten years from now the people of Ft. Dodge will wonder why anyone opposed this great improvement.

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Shenandoah, Iowa

For further information concerning this machine

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surface your roads with **Warrenite**, the most successful road surface that can be devised. It is far superior to all other forms of bituminous road surfaces.

Warrenite is the best built country road surface in America—a fact that we can prove to you, if you will give us the opportunity.

Warrenite—Multnomah county, Oregon. The following extract from editorial—North Bend, Ore., Harbor, of October 21, 1915, is interesting:

"The editor of this paper has driven a car thousands of miles over California's best roads, but never have we had the pleasure of driving over a road that equalled the Columbia River Highway, which the Warren Construction Company has just about completed. The road is not only a scenic boulevard but is built to stand for all time. We believe that for workmanship, quality of material, finish and general appearance no road in Oregon or California beats it."

The above road referred to is **Warrenite**.

Warrenite is the best surfaceng for macadam roads.

"The man who never makes a mistake never learns anything."

But there is no need of making the same mistake twice. If you have in the past constructed roads that will not withstand the modern automobile traffic and which have to be practically rebuilt each year at a great expense, don't repeat the experience but surface them with **Warrenite**—it's cheaper to do it now than later.

Warrenite is laid under the same general principle and with the same care and laboratory supervision which has made the Bitulithic pavement so popular.

Other counties are contracting for **Warrenite** why don't you.

Write today for **Warrenite** literatuae, specifications and form of mixture agreement available to all experienced contractors. A postal card will do.

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Virginia Ry. & P. Bldg.

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Nashville, Tenn.,
606 Independent Life Bldg.

Classified Advertisements

Each member of the American, Iowa, Nebraska, Kansas or Minnesota League, may run one advertisement each month free of cost.

WANTED—I have an inquiry for addresses of companies making or selling a tool to clean out drain pipes placed under sidewalks or street.

Also for address of well digger who can dig a well ten feet in diameter. If you have this information please write me at once. Frank G. Pierce, Marshalltown, Ia.

WANTED—A hook and ladder truck for light work, hand drawn. A. H. Steil, Mallard, Iowa.

WANTED—A position as waterworks superintendent. Practical and technical training. Pumping machinery expert. Reference. Address American Municipalities.

WANTED—The town of Malvern, Iowa is considering installing electroliers—Information wanted. S. J. Clark, Town Clerk.

WANTED—One street roller, weight four or five tons, same to be drawn by horses, please give description, condition and price wanted. Town of Bellevue, Iowa.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Swea City, Iowa.

FOR SALE—Blue printing machine, 42 inch, with automatic washer and drier. Please make. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—Village hook and ladder truck, fully equipped. C. J. Duff, City Clerk, Council Bluffs Iowa.

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—A High speed Atlas steam Engine 45 H. P. 280 R. P. M. used seven years. Village of Howells, George Lodes, clerk

FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Deleval Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.

FOR SALE—Having recently installed a complete system of water works the village of Taylors Falls, Minn. has a hand engine suitable for use in any small village, for sale cheap. The engine is in good repair. W. H. Robinson, village clerk.

FOR SALE—Heller & Brightly transit, full circle, stadia cross-hair, also level, same make, like new, at a bargain. Other instruments in stock, new and second hand. Transit and level repairing. O. Griner, 214 E. Tenth street, Kansas City, Missouri.

FOR SALE—Gurley Transit, \$85. Keuffel & Esser Transit, \$110. Stierer Transit, \$100. Levels \$45 up. All in first class condition and guaranteed. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—A good wooden tank street sprinkling wagon complete, for particulars, address Frank Scobie, Sleepy Eye, Minnesota.

FOR SALE—Having recently installed in our town electric lights, we have for sale at a bargain a good 500 candle power American Gas Street Light with post, nearly new. If interested write at once to H. W. Speight, Recorder, Porter, Minn.

FOR SALE—Dean Steam Duplex Fire Pump 14 inch steam cylinder, 8½ inch water cylinders, in good condition, price \$400.00. E. C. Smith, Clerk, Town of Bonaparte.

FOR SALE—One two-horse hose wagon, capacity 1,000 feet 2½ inch fire hose. C. J. Duff, City Clerk, Council Bluffs, Iowa.

FOR SALE—18 horse power Watrous fire engine, good as new, complete with 30 foot 4 inch suction hose, same being replaced by high pressure water system. Write or wire at once, for full particulars. Russell E. Whipple, chief, fire department. Lehigh, Iowa.

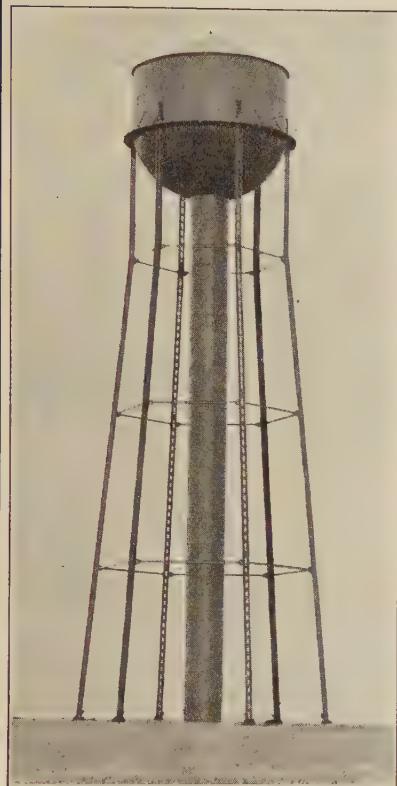
FOR SALE—Two 2-horse double 50-gallon tanks and one either 2-horse or hand drawn 100 gallon chemical fire engine. Champion make, and in good condition. Inquire Chief Kellogg, fire station No. 1 Sioux City.

FOR SALE—Forty gallon chemical carts for small cities and towns and three gallon hand chemicals for stores factories etc. Write for catalogue and prices Municipal Supply Company, Marshalltown, Iowa.

FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk.

FOR SALE—Two Cook Deep well pumps with 400 feet casing and 400 feet of wood rod. 1 No. 300 18 or 24 inch stroke 4 inch cylinder. 1 No. 159 12 or 18 inch stroke 3½ inch cylinder. Line shaft and pulleys. All in fine condition. Address town of Milford, Iowa. J. E. Shelledy, Clerk.

FOR SALE—One 18x36, 120 RPM, simple Corless engine manufactured by the Minneapolis Steel & Machinery Co. Direct connection to shaft of generator. One 200 KW, two-phase, 2200 volt generator; also bolted to this shaft is one exciter of sufficient size to take care of full load of generator. One marble panel switch-board with all necessary instruments. Two simple Minneapolis corless engines 14x30, 100 RPM both belted to 100 KW Allis-Chalmers generator, 2200 volt, 60 cycles. Each will have switch-board panel and necessary switch-board instruments. Each has belted exciter belted from generator. W. E. Sweezey, Wellington, Kansas.



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HAVE SOLVED THE PROBLEM OF
MUNICIPAL WATER STORAGE

NO FREEZING IN WINTER
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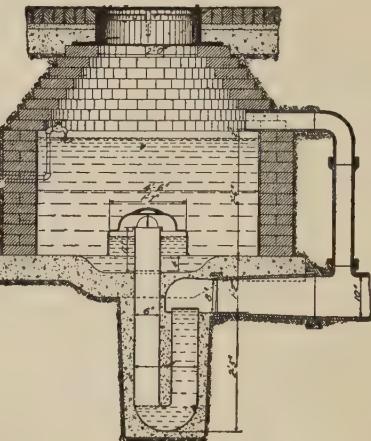
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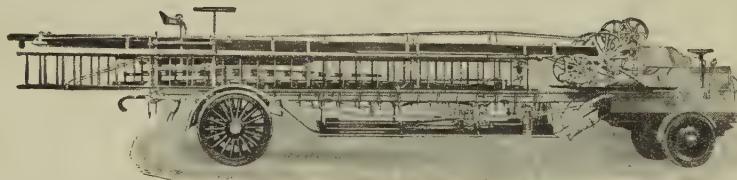
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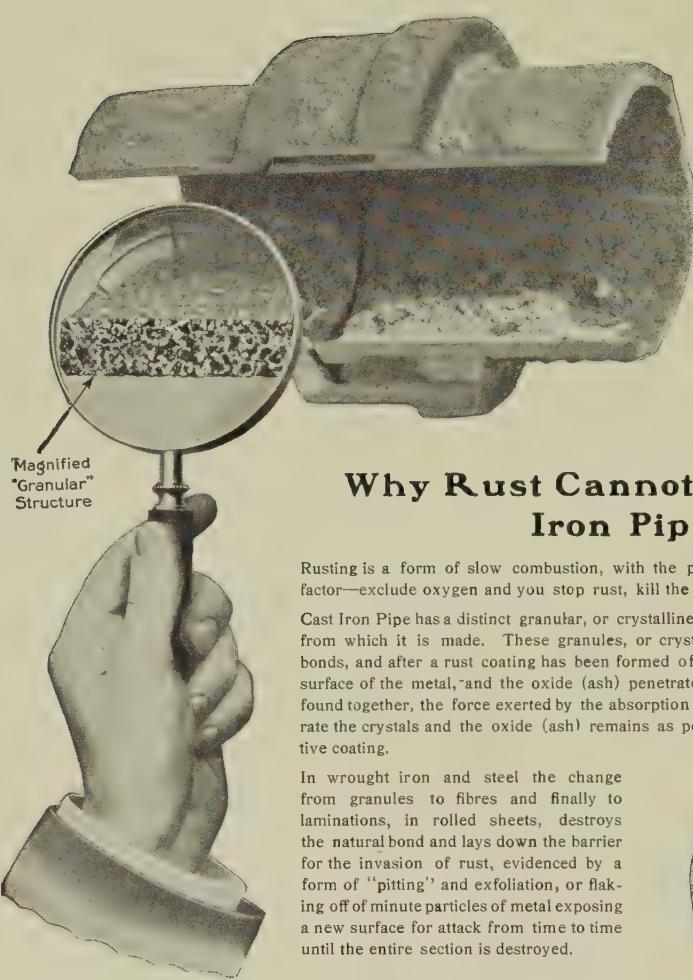
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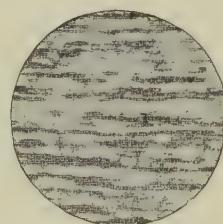


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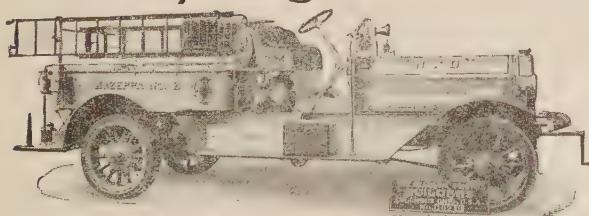
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American Municipalities

January, 1916

Vol. 30, No. 4

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

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Frank G. Pierce, Editor

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COMMENT

Municipal officials in Iowa should take an interest in the candidates for the legislature in every county as it is very important that the right kind of men are elected to the legislature.

If any one is interested in knowing how the members of the last legislature voted on the questions in which the cities and towns are interested write the secretary and he will send you a report of the votes.

The paper on Taxation by Mayor Cross and the discussion on the same published in this issue is of the greatest interest to the cities and should be carefully read by all.

The report on the municipal railway of Calgary in this issue would seem to prove that it is possible for a city to make a success of a municipal utility of this kind.

Electricity is becoming one of the cheapest products that is now necessary for the welfare of the people.

With a strictly modern plant it is now possible to make electric current for less than one half cent a kilowatt and it can be delivered in reasonable distances at less than a cent a kilowatt.

It would seem that a rate of ten cents a kilowatt ought to be sufficient for any company to make a good return and in the larger cities and towns a rate of five or six cents could be given.

If your city or town has not paid its dues in the state League you should see that the council takes the necessary action to pay the same at the next meeting.

Do not forget that now is the time to outline your contracts for next season and be in shape to let the contracts during the winter.

By letting the contracts before spring you will get the lowest possible price and the contractor will be able to get the work done before cold weather next fall.

The law of Iowa gives the municipalities the right to clean the sidewalks without notice to the property owner and then holds the municipality liable for injuries on account of snow and ice.

The municipal officials should therefore keep the walks clean and not try to excuse them-

selves by blaming the weather when some one brings a suit for damages next summer.

The rule that the municipality is liable for damages for injuries is without doubt unfair but so long as it is the rule it is up to the officials to make the best of it.

RESIDENCE DISTRICT LAW HELD INVALID

The New York Housing Act (Laws 1913, ch. 774 amended and made a chapter of the Consol. Laws 1913, ch. 798), section 9, provided that on petition therefor by two-thirds of the owners of record of the linear frontage on one side or street frontage of any block, and on approval by the council, such site should be designated a residence district in which no building other than a private dwelling should be erected or occupied. In accordance with this statute, certain property holders in the city of Utica petitioned for the setting apart of certain street frontage as a residence district and their application was approved by the council. Subsequently the owner of certain premises involved applied for a permit to make certain changes in a building for the purpose of converting it into an undertaking establishment, and upon refusal of the superintendent of buildings to grant his request, the present proceedings in mandamus were instituted to compel its issuance. The New York Supreme Court holds that the act in question cannot be sustained either under the power of eminent domain or the police power; that it is consequently invalid and affords defendant no justification for refusal to issue the desired permit. *People v. Roberts*, 153 New York Supplement, 143.

JITNEY REGULATIONS

The Court of Civil Appeals of Texas in the case of *Greene v. city of San Antonio*, 178 Southwestern Reporter, 6, had before it the validity of an ordinance regulating jitneys and requiring bonds of indemnity from those operating them. Many objections were raised to the ordinance, it being claimed that it constituted class legislation, denied due process of law, and did not fall within the general powers of the municipality. All of these objections were held without merit and the ordinance declared valid.

The court says in part: "The only absolute right that the private individual has in the streets of a city, not including the abutting owner, is the right to convey himself or property from one place to another, and even that right may be regulated. * * * It has been held time and again that cities have the authority to regulate or even to prohibit the prosecution of a private business on a street, and that such business cannot be engaged in lawfully without a grant of some character from the government. * * * If the peanut vender, the popcorn seller, or the peddler can be regulated in his use of the streets, the mind can offer no reason why the jitney driver should not be regulated in his traffic on the streets. * * * Appellant's business is that of a common carrier, subject to the same liability and under the same obligations to the public as any other common carrier. * * * The city of San Antonio is given exclusive control of the streets, and, if the legislature has the power to require a bond for the protection of the citizen against the negligence of common carriers along a street, the municipality to whom its powers have been delegated would have the same authority. The power possessed by the state to attach, as a condition to the grant of a franchise to a quasi public corporation, the performance of duties beneficial to the public, may be exercised by the municipality under a delegated power to grant to such a corporation the use of its streets."

FT. MADISON VOTES WATER WORKS FRANCHISE

On December 14, the voters of Ft. Madison, at a special election, voted a franchise for a water works plant to a company composed of twenty-five local citizens. This is the first water works franchise voted in Iowa for several years, as almost every other city or town has either taken over the private plant or built a municipal plant.

CITY EMPLOYEES RECEIVE GIFT

The Levee Improvement Commission of Davenport made about \$1,500 this last season by building a wall for the local interurban company. \$500 of this money was set aside as a special Christmas fund to be divided among the old employees of the commission.

We Have With Us Today

Behold a Norwegian veteran of the war with Spain. That is, he is not really a Norwegian, because he was born in this country, at Austin, Minnesota in 1871. The chances are though that any one who was born in Minnesota is of a Norwegian descent, and the "sen" at the end of his name seems to prove this beyond question.

Here we have a self made man or at least one who made the most of his opportunities. His schooling was limited to the Austin High School and two summer terms at the University of Michigan Law School. Of course before he was admitted to the bar he read law, putting in three years in a law office at Austin.



JACOB N. NICHOLSON
City Attorney of Austin, Minn.

His first public service was acting as first sergeant of Company G, 12th Minnesota Volunteer Infantry in the war with Spain. He is sure some old soldier even if his hair is light.

Jacob is not a mayor and that makes it all the more remarkable that he should earn a place in our picture gallery. In fact he is only a lawyer or attorney. He has the distinction of having been city attorney of two cities, Blue Earth and Austin, Minnesota. He was city attorney of Blue Earth in 1909 and city attorney

of Austin in 1911. It certainly is going some to be able to move from one city to another and be elected, or appointed, to office within two years. He evidently fills the office of city attorney at Austin in pretty good shape, because he has held the office from 1911 to date, and will probably hold it until he gets tired of the job.

Even if Mr. Nicholson is only a city attorney he is a man of considerable ability and is willing to work. This combination caused the delegates at the last meeting of the League of Minnesota Municipalities to elect him president of that strong and active organization. It takes a pretty good man to convince the hard headed people of Minnesota that he is capable of filling a position like that of president of the Minnesota League.

The work he has done in the past, however, is the very best indication that he will more than make good as president.

The League of Minnesota Municipalities has a president who is all right, is willing to work and will do the League almost as much good as the League will do him.

Keep your eye on Austin, because, one of these days, the city attorney of Austin is going to be one of the big men of Minnesota.

HIGHWAY ENGINEERING

Columbia University each year holds a post-graduate course in highway engineering. This is an excellent plan as many an engineer knows little about the late improvements in road construction. The different state universities could hold, with good advantage, a post-graduate course of a couple of weeks each winter in municipal engineering. The only way a professional man can keep up with his profession is by taking a post-graduate course each few years. It would be better to take a short course of this kind every year.

Estherville has recently let a contract for 2,300 feet of eight inch sewer pipe with flush tanks and man holes.

PROPORTIONAL REPRESENTATION

The use of proportional representation in the recent councilmanic election in Ashtabula, Ohio, is discussed in the current issue of *The New Republic*. According to the theory of proportional representation, each considerable party or group of opinion should be represented in the council or legislative body in the proportion of its voting strength.

Seven councilmen were elected in Ashtabula in a non-partisan election, and according to the daily press, the opinion seems to be that, taking both quality and representative character into consideration, a better choice could hardly have been made from the candidates—that the new council will contain more ability than the present one elected on the ward plan and that it will be more representative of the entire body of voters. Another newspaper says of the result: "The drys and wets are represented. The Catholic and Protestant, the business, professional and laboring men, the Republicans, Democrats, Socialists, the English, Swedes, and Italians, all are represented."

The *New Republic* believes of proportional representation, that "when groups of opinion come to understand that if they have a little more than one-eighth of the votes they can not be denied representation in the council, their ablest representatives will be willing to become candidates. Men of high professional and business training will stand for election to the council, because they will be sure if they really represent their element they will win. Gerrymandering and a portion of the other political wire-pulling will disappear. Parties will tend to find a basis on principle rather than largely on patronage as at the present time. With a council chosen by proportional representation the last serious objection to the city manager idea disappears, and the way is opened for permanent expert service in city administration and for the elimination of politics from that part of our city governments. Proportional representation will provide a council which may be properly allowed to choose a city manager—a council whose members stand for policies and the fundamental interests of the community rather than for a more or less artificial party organization."

REGULATIONS GOVERNING WATER EXAMINATIONS

Made at the Laboratories for the State Board of Health, State University of Iowa, Iowa City.

1. The laboratory shall make "examinations of water whenever requested to do so by the state board of health, any state institution or any citizen, school or municipality when in the judgment of the local board of health such is necessary in the interest of the public health and for the purpose of preventing epidemics of disease."

When a water examination is desired, a request for a water container and directions for the collection and the sending of the specimen should first be sent to the laboratory. Such a request from a citizen, school or municipality should have the written endorsement of the local board of health. In such cases a copy of the report will be sent to both the sender of the specimen and the local board of health.

2. A fee of \$1.00 per sample to cover cost of examination, will be charged for all examinations of water sent to the laboratory in the usual manner. A check, draft, warrant or money order for that amount made payable to "Director, Laboratory for Water Analysis" should accompany the filled-out data blank which must accompany every specimen of water submitted for examination. In addition to this fee, the sender of the water must pay transportation charges for the water container both from and to the laboratory.

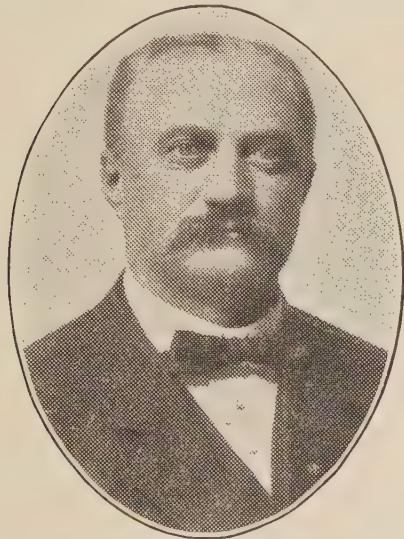
3. If an institution or community desires to have a considerable number of examinations made at one time or daily examinations for a considerable period of time, then such institution or community is to pay the traveling and the necessary living expenses of the analyst while he is away from Iowa City, and the transportation charges of a portable laboratory; provide a laboratory room, gas or other form of heat and pay the actual cost of material used in making the examinations, which may vary from five to fifteen cents per sample.

Address all communications regarding water examinations to Director, State Board of Health Laboratory, University of Iowa, Iowa City, Iowa.

We Have With Us Today

Here we have Doctor Cole, a real doctor, physician and surgeon. Also a stock raiser, who knows more about the pedigree of his stock than he knows about his own. Just at present as a little side line, and to use up his leisure time, he is mayor of Oelwein and president or the League of Iowa Municipalities. Mr. Cole is certainly some busy little man.

Unlike so many, who have become more or less prominent, the Doctor was not born on a farm, but at Strawberry Point, Iowa. This auspicious event, for the Doctor, took place on



JAMES F. COLE
Mayor of Oelwein, Iowa

the first day of December, 1862. The Doctor was unable to take any part in the Civil War, but would if he had been a few years older.

The mayor of Oelwein is also different from many municipal politicians in that he has the blessings, or curses, of a college education.

In fact he is an alumni of two schools, the Iowa Agricultural College and the State University of Iowa Medical School. He knew that he was going to be a stock raiser at a very early age, so before beginning his life work, decided to take a course in higher agriculture which, without doubt, is of great value to him now. You would think that this was education enough

to be statesman, who is the subject of this sketch, but it did not satisfy the rising young doctor, and so he took a post graduate course in the New York Medical School. Soon after he settled at Oelwein, where he has been practicing on the people ever since.

The doctor is an Episcopalian but his principal religious activity is acting as Chaplain for the Elks, which is certainly some honorable and arduous religious position.

Doctor Cole received his political training as County Coronor of Fayette County, holding on for nineteen years and here getting the experience and information that made him a desirable municipal official. If there is one thing, more than another, that a municipal official should know, it is how to deal with the dead ones. This training appreciated by the people and he was elected councilman and in due time promoted to the office or job of mayor. That his early and late political training was good, is shown from the fact that he is now serving his third term as chief executive of his city.

Doctor Cole is Past Grand Chancellor of the Knights of Pythias. At different times it has been rumored that the Knights of Pythias Grand Lodge is an excellent political school, and it might be that it was in this fraternal body the doctor learned those political ways that has enabled him to be elected mayor three times. Like all successful mayors, Doctor Cole is strong for municipal improvements and if he had his way would pave every street in Oelwein. As it is he has been able to get most of the streets paved and if the people would only elect him five or six times more, it is certain there will not be a mud hole in the city limits.

If the doctor quits politics he is still on the safe side, because he can either start practicing again or move out on one of his farms and feed the stock. He owns much land so we need not worry about him, and this information will be especially pleasing to the mayor's many friends. That is all for the Doctor.

CIVIC IMPROVEMENT DAY AT STATE COLLEGE SHORT COURSE

Civic improvement is the subject of one day's addresses and discussion to be given during the convention week program offered by the Iowa State College, Ames, Iowa, January 31 to February 4. The day set for this subject is Friday, February 4th, 1916. A number of speakers have been secured who have gained nation and state wide reputation in Civic Improvement Movements. Among them are Mr. A. D. Taylor, City Planner of Cleveland, Ohio, Mr. W. T. Waterman, chairman of the City Beautiful Committee of Davenport, Iowa, and Mrs. Frances E. Whitely, President of the Iowa Federation of Woman's Clubs who will speak on Civic Improvement as seen from the viewpoint of the Woman's Clubs.

The horticultural committee in charge, is very desirous of having a large number of city officials and members of Commercial Clubs from all the towns and cities in Iowa come to attend this day's lectures.

The program offered is of exceptional interest to all citizens in the state who are interested in Civic Improvement and a delegation sent from each city and town in the state would be the means of bringing some valuable information to their home municipality.

Correspondence asking for further information concerning this day's program may be addressed to Professor F. L. Overley, Horticultural Department, Iowa State College, Ames, Iowa.

SAN FRANCISCO JITNEY ORDINANCE UPHELD

This municipal jitney bus ordinance was upheld by the supreme court in a decision handed down recently. The decision appeared to be equally pleasing to the police traffic squad and the jitney bus association.

The provisions of the ordinance are that jitney bus drivers must have a permit from the police commission, put up bonds of \$10,000 for compensation in case of injury in accidents and pay a license fee.

The ordinance was attacked principally in that it calls for the bonds to be provided by a responsible surety company, to the exclusion of personal sureties.

The supreme court took the stand that a legislative body requiring a security has the right to name what form that security shall take. The decision also makes note that the jitney bus business is one which properly should be regulated by the municipal authorities.

Officers of the San Francisco jitney bus association expressed themselves as well satisfied with the decision. Thomas Doyle, the secretary, said:

"Our association has always been for the ordinance. It will minimize the possibility of accidents, and will drive all but legitimate bus drivers off the streets."

TOLEDO TAKES STREET RAILWAYS

The people of Toledo, Ohio, voted to take over the street railway system of that city while Detroit defeated a similar proposition in that city.

HOME RULE FOR BALTIMORE

By the passage of an amendment to the Maryland constitution at the November elections, Baltimore is to have Home Rule. It is a surprising condition that municipalities must force amendments to the state constitutions in order to secure Home Rule instead of the legislatures giving it by legislative enactment.

LABELED

An investigation was going on recently in one of the departments of a large western city and several of the employes were dismissed for alleged "moral inefficiency." One of the employees, whom we will call "Slim" for short bent over his work, and as he had removed his coat, the word "honest" appeared in view from the confines of his hip pocket. An old Irish contractor who was present, noticed the word and exclaimed, "So they have to label you fellows now, do they," just as "Slim" pulled out his package of "Honest Scrap" to take another chew.

HOT FOOT

Recently on an asphalt pavement construction, a number of negroes were busy raking the hot asphalt. An old lady came out from a nearby house and going up to the foreman vented her wrath as to the poor progress of the job. "No wonder," she exclaimed, "the work is so slow with that bunch of cripples on the job. Why, half of them have the gout! Look, the way they have their feet all wrapped up!"

Report of Committee on Judicial Opinions

League of Iowa Municipalities, Ben P. Poor, City Attorney, Burlington, Iowa

PERSONAL INJURY CASES

The case of Covert vs. town of Lovilia, 149 N. W. 67, is typical and shows how great a liability has been imposed upon cities and towns in respect to accidents upon their streets. This was a case for an icy sidewalk upon which plaintiff fell when coming from church. Plaintiff on cross examination admitted that she saw and knew of the condition of the walk when going to church and stated that she safely passed over it and that she thought it was bad when she first went over it but didn't think anything about the dangerous part of it when she went to church. She said she was careful in passing over the walk on the return trip, looked where she stepped and believed by being careful she could pass over the place. The court said that while Mrs. Covert testified that she knew that the walk was not safe at a time prior to her injury, and not in good condition and that she thought it was bad where she attempted to pass over it at the time of her injury, she also testified that its dangerous character was not impressed upon her mind until she fell. She has passed over it before, once on the morning of her injury and no accident had resulted, and her belief as testified to by her, that she could then pass over it by being careful, introduced in the case the element of fact, to be determined by the jury alone, as to whether she appreciated the danger and was imprudent in attempting to use the walk.

There was another and safer way for her to travel. As to this the court says that the traveler is not bound to select other and better routes of travel, if he believes or had the right to believe he could with safety use the walk over which he was passing.

Judgment against the city was affirmed.

In the case of Hall vs. the city of Shenandoah, 149 N. W., 831 the court holds that in an action for personal injuries caused by stumbling over an obstruction on a sidewalk, evidence that prior to the accident, other persons had fallen over such obstruction, was admitted to prove

notice to the city of the dangerous condition of the sidewalk by showing the existence of the obstruction for such a time that, in the exercise of ordinary care, the condition should have been discovered.

In the case of Frohs vs. Dubuque, 150 N. W. 62, it is stated that "the duty to take reasonable precautions as the nature of the case requires to safe guard travelers upon the streets against injury from excavations is none the less imperative where made by others as licensees or independent contractors, or others by permission or under the direction of the city." It is further stated that a traveler is not bound to apprehend danger, nor to be vigilant in discovering obstructions but may walk or drive in day or night time, relying upon the assumption that the municipality has performed its duty in maintaining the streets in a reasonably safe condition for public travel, and has not by its neglect exposed him to danger. In this case, strange to say, the court undertook the responsibility of deciding whether the city had performed its duty as outlined above and concluded that the danger lights placed along the ditch had well lighted it and warned travelers and that the city's duty was performed.

During a parade in the city of Des Moines a policeman leading the procession kicked a barrel stave out of the way, causing it to strike a spectator. The city was sued on the ground that it was negligent in permitting such barrel stave as an obstruction in the street. The court in its opinion in this case Evans v. Des Moines 151 N. W., 397 states the fundamental principles relative to liability in this class of cases as follows, viz; The city is not negligent in permitting an obstruction in a street unless it was responsible for the obstruction in the first instance, or failed to remove the same with reasonable diligence after discovery or reasonable time for discovery, and that the city is not an insurer of the safety of its streets, and mere proof that a barrel stave was in the street and that a policeman kicked it injuring a person, unaccompanied by proof of the

length of time the stave had been in the street, did not show actionable negligence in permitting the obstruction.

The source of corporate liability in these personal liability cases is section 753 of the Code, which imposes on cities and towns the care, supervision and control of their streets, and the duty to keep them open and free from nuisances. In the case of Holmquist vs. Construction Co. and Des Moines, 151 N. W. 828 a workman fell off a building and killed a traveler upon the street. The superintendent of streets had ordered a contractor constructing a building adjacent to a sidewalk to remove barriers across the sidewalk and parking prior to the accident, at which time the building was substantially completed and there was little if any danger from falling material or debris. The city had no notice of the perilous position of employees of the contractor in finishing the work. Held that the order of the superintendent for the removal of the barrier was not a negligent act and did not create a nuisance, and that the city was not liable for the accident, and that the city had a right to assume that the owners of the building or the contractor would exercise a proper degree of care to prevent injuries to travelers on the street.

In the case of Raine vs. Dubuque 151 N. W., 518, considerable dirt, rock, etc. was left along the line of a sewer on the theory that the filling made in the excavation would settle and the material could be utilized in making the necessary refilling. Complaint had been made and the mayor had notified contractor to clean up. Plaintiff's carriage was overturned in the night time by the ridge. The court below had instructed the jury that in order that plaintiff might recover, the jury, among other things, must find "that said obstruction was a nuisance and caused the injury. The supreme court reversed the judgment because of the instruction saying that the city is charged with the exercise of reasonable care to make and keep its streets free, not only from defects or obstructions which are nuisances in the technical or statutory meaning of that word, but from all defects, including those of a less flagrant or perilous character which expose persons lawfully using such streets to danger or injury.

The opinion in the case of Blake vs. Bedford 151 N. W., 74 where a \$2,750 verdict is sus-

tained in a sidewalk injury case has little if any substantive law, being confined largely to a consideration of questions of evidence and procedure.

Two points of interest appear in the case of Frisbee v. Hawkeye Land Co. 153 N. W. 85, one, that the contractor in charge of making an excavation in the public street was hired to do the grading on a yardage basis instead of on a per diem basis, does not make him an independent contractor so as to relieve his employer from the duty to use due care for the safety of persons driving over the highways, and the other that in an action for injuries sustained by driving into an excavation on a street, where such excavation has been going on for several days in succession, it was for the jury to say whether the city was chargeable with notice of the dangerous conditions existing.

The case of Petterman vs. city Burlington, 153 N. W. 154 is substantially the same as the case of Covert v. Lovilia cited above. Plaintiff in this case testified that he had passed the icy spot every day for a long time; practically all his witnesses testified that they went around the icy spot when going that way, he had been warned not to go that way, he had previously avoided the spot, he failed to testify that he used any care in going over this unusually bad place, that he felt his way, steadied himself, etc. but he stated that he walked along, and the court stated he has introduced evidence showing his freedom from contributory negligence and it is now for the jury to say whether he shall recover. It was his duty to prove himself free from contributory negligence. Did he introduce any testimony tending in that direction? The city of Burlington said he did not, the supreme court said he had introduced sufficient evidence to support the finding of the jury that he was free from contributory negligence.

To my mind cities and towns are in a very serious situation in respect to damage cases. It has long since been decided that tax payers of the city or town are not competent to sit upon a jury that is to try a case for or against a city. This is upon the theory that they are interested in the result of the contest. Thus it is that the jury is robbed of men of discretion and judgment and especially in the larger cities those that are permitted to remain are of a class that delight in helping out some other fellow by making him a

present out of the municipality's strong box. In these personal injury cases the plaintiff has the last word and in view of the state of the law applicable to these matters we practically occupy the position of insurer and the measure of our liability is fixed by a jury that, as a rule, is given more to passion, prejudice, and reckless generosity than to the exercise of judgment.

In many cases there is no liability for injuries upon the streets. Perhaps that would be unjust, but the law ought to be such that our liability is determined by men who have had enough brains to gather together at least some property, instead of the incompetents whose lack of capacity and service to themselves, their family and their country, is evidenced by no accumulation of property. We ought to have a fair deal and we are not getting it today in regard to this matter.

STATE-AID ROADS IN COOK COUNTY

On November 26, the Board of County Commissioners were the guests of the Associated Roads Organizations of Chicago and Cook County on the first annual inspection of State-aid roads laid in Cook county, Ill. The trip covered 100 miles of good and bad roads entirely within the limits of Cook county, except one short excursion into Du Page county to see the concrete pavement laid by the Du Page County Board on Wheaton Road, an extension of the Twelfth Street concrete road of Cook county. In several towns along the way the citizens extended enthusiastic receptions to the County Board, and the good roads sentiment in Cook county sustained a remarkable impetus.

The trip was so arranged as to cover typical improved highways as well as some of the unimproved roads. The rainy weather which prevailed, served to call forcibly to the attention of the commissioners the contrast between muddy, unimproved highways and the concrete roads built by state aid.

Under the law as originally framed, the county was not permitted to build roads within village limits. The error of this was excellently shown on Twelfth Street road, where alternate good and bad stretches were encountered. The good stretches were those built under state aid and the bad spots were unimproved stretches on the same road within village limits. There was a sigh of relief each time a good road was reached.

By an amendment to the Tice law of Illinois, the county is now empowered to pave the bad stretches thru villages with a population of 20,000 or less.

Citizens of Riverdale, Harvey, Blue Island, Lyons and Riverside met the county board to express to them their appreciation of the work done in Cook County and to bring to their attention the necessity for additional improvements on other main traveled highways. These receptions showed the desire of the several villages that the highways connecting them with Chicago be improved.

The seven mile stretch of concrete road on Milwaukee Avenue, one of the principal thoroughfares leading to Chicago and used largely by automobilists and truck farmers, was included in the trip. This is the longest continuous stretch of concrete highway in Illinois.

CONSIDER SERIAL BOND PLAN

The question of abandoning the present policy of issuing long-term bonds in favor of short-term serial issues will probably be taken up by the new city administration of Bucyrus, Ohio. The suggestion follows a movement that has been widely discussed within the last few months in various sections of the country in relation to the issuance of bonds for municipal improvements. There appears to be a well-defined sentiment on the part of local investment brokers that the short-term bonds would meet a more ready market, but argument against this claim is made on the ground that the present market for bonds is abnormal; the demand for bonds with maturities not far distant is more active just now than for some time. Representatives of some financial institutions assert that a saving will accrue to the city by issuing only serial bonds instead of long-term bonds to be redeemed in full at maturity. Others admit that as a mathematical proposition these would be no economy to the public. Their greatest opposition develops on the score that it is bad policy to issue bonds with a twenty-five or fifty year maturity for improvements that will have been worn out before the bonds are taken up. Fear that interest rates will go up and premiums down if bonds are put out on the serial plan has been expressed by those favoring the long-term issues.—The Bond Buyer

Report Committee on Taxation

Mayor W. C. Cross, of Burlington, before League of Iowa Municipalities

The first we learn of the burden of taxation in this country is when Benjamin Franklin was sent to London as a commissioner by the assembly of Pennsylvania, to join with other colonial agents in protesting against the famous stamp act, which was simply taxing the American colonies without any representation in parliament.

The independent spirit of the early settlers became apparent in the uprising against this stamp act, in New England in 1765, and continued under various provocations until it took tangible form in defiance of the British government on December 16th, 1773, when a party of patriots disguised as Indians, boarded three British ships, loaded with tea in Boston harbor, and threw a large part of their cargoes into the water. This was one of the most picturesque incidents in our early American history.

The guiding principle of the early colonists, "No taxation without representation", was held the more firmly, when the Boston port bill on March 17th, 1774, enacted by the British parliament as a punishment for the aggressive "tea party," practically closed the town of Boston to commerce and deprived it of its civic being.

The subject of taxation is a very large field to cover in one short article, and the views which I am about to enlarge upon are neither new nor novel, but emanate from great minds with whose opinion I am in full accord.

When Henry George spoke in 1880 at Chicago, there were 150 policemen stationed in the hall to quell any disturbance that might arise from what was considered at that time "anarchistic" talk. Today, single tax congressmen when addressing the house on the subject, are always given the most careful attention, and today single tax orators and lecturers are sought after to address large bodies, such as chambers of commerce, commercial exchanges and other civic bodies, and I am frank to admit that I think there is much to be commended in this plan of taxation, and in so far as equity and justice as between man and man is concerned in taxation, I believe

it is the only plan to follow.

There is not a city in Iowa or any other state but has its capitalists, who are making wealth out of the increase in vacant land, it may be in lots, or perhaps in larger tracts which are being held off the market, knowing that the improvements that will go on around this land will enhance its value while the owner thereof does nothing to assist in making this increase. Some of them growl at the small taxes they are obliged to pay, annually levied by the assessor, and fail to have civic pride enough to even cut the weeds to improve the looks of the place as well as to enhance the beauty of the neighborhood, for fear the small amount they are now paying in taxes will be increased.

For more than forty years, Pennsylvania has not taxed manufacturing industries and household goods are wholly exempt from taxation.

In our own state, Waterloo, Cedar Rapids, Des Moines and other cities have been in the habit in years gone by of exempting large manufacturing plants from taxation, as an inducement to have them locate in their respective cities. This was continued until the state tax commissioners took the matter in hand and ordered them taxed the same as other property, thereby removing this illegal advantage, which some localities had been maintaining over other Iowa cities who had been living strictly up to the letter of the law in this respect.

The right of taxing districts to determine the sources of their public revenue is called "Home Rule or Local Option" in taxation.

We all want the best system of taxation. Home rule in taxation has this surpassing excellency: "Each city and county has the power to make for itself its own taxing system, and every locality thereby becomes a taxation experiment station, in which facts instead of theory will teach both single taxers and non-single taxers the defects as well as the excellencies of different tax systems." The superior will be retained, the inferior discarded.

The most striking feature in a study of tax reform in western Canada, is the strong trend throughout the entire country in the direction of the single tax principle. That it is working satisfactorily so far wherever tried,—is generally admitted, even by opponents of the principle. In no district, in which the principle has been tried, is there any noticeable desire to return to the old system. From present indications it is safe to predict that within the next ten or twenty years, the single tax principle will be adopted by every taxing district in western Canada. This is the magnet that has drawn 300,000 or more Americans to western Canada in the last three years.

In Germany they have a system of four taxing methods. The common people are assessed a very small tax upon their entire effects; the second class are required to pay twice as much as the first class, or common people; the third class pay twice as much as the second; and the fourth class pay twice as much as the third. And any party found trying to evade the correct amount of his assessment is taxed an additional penalty of eight times his original assessment.

This might be called taxing on a graduating scale.

Houston, Texas, elected J. J. Pastoriza assessor of that city. He had his ideas on taxation and he carried them out by taxing the land full value and improvements only twenty-five per cent of their value. He believed it was poor policy to tax invisible property, such as moneys, credits, jewelry, etc., as only the strictly honest would be assessed, while the dishonest would escape.

He carried out his plan to the satisfaction of most every taxpayer in Houston, but the city took in some additional territory and the owners of the newly acquired district rebelled at the valuation placed upon their lands and sought out and had served an injunction ordering the assessor (Mr. Pastoriza) to assess all property at its actual value. Mr. Pastoriza was returned as assessor at the last municipal election by a majority of five to one, which shows how the very large majority of the taxpayers approved of his former plan of taxing property.

The District of Columbia exempts moneys and credits from taxation and it is claimed that there is more money in the banks at Washington,

D. C. than in any other city in the union. It is easy to retain or drive money out of your state by the method pursued regarding the taxing of it.

A little inquiry at my home city elicited the following answers to the question—"About how often do you turn over the value of your stock?"

Hardware and furniture	once per annum
Dry goods	$2\frac{1}{2}$ or 3 times
Shoes	$1\frac{1}{4}$ to 2 times
Drugs	2 to 3 times
Jewelry	once in three years
Grocery	3 to 8 times annually
Meat market	once a week or 52 times a year

From these answers we find that a jewelry store is taxed 156 times as high as a meat market having the same amount of sales, etc.

Wholesale houses turn their stocks over about three times a year, while the large mail order houses in the large cities throughout the country turn their stocks over much quicker. These latter are given a big advantage in taxation over the local merchants, as they fill many of their orders direct from the factory where the goods are manufactured which therefore do not show upon any invoice of stocks for taxation.

To sum up the whole question, the matter of the amount of taxes a certain locality demands has more to do with the growth and prosperity of that locality than any other one thing, not excepting health or sanitation.

And now a word upon assessment. We believe we have in Burlington as complete, as fair and as equitable a plan of assessment of property as any city in the union. We do not except the Sommer's system so largely advertised, and which is somewhat similar. In assessing real estate we use a card which gives in detail every fact bearing upon the value of each piece of property, and in connection with this card we use plats of the entire city, each lot showing the value of the real estate, and also the value of the improvements thereon, separately.

In assessing residence property, we fix the value of the land by taking into consideration the surroundings, conveniences, general market value, etc. We then get in detail the description of the improvements, all of which is noted on the card belonging to that particular piece of property. In noting these details, we first get the size of the building, by actual measurements, noting the kind of foundation, the amount of cellar excavating, the material of which it is built, the interior

finish, the number of rooms finished in pine, cypress, oak, walnut, maple, cherry or mahogany, and the floors, whether they are single or double, the kind of heating apparatus, the extent of plumbing, and when the structure was built.

When we have all this information, the building is then placed in a class, and its value is determined by multiplying the number of square feet by a value per square foot, foundation measurement, determined by a scale of values worked out in advance. To go into this matter in detail would be quite lengthy, but the principle is: buildings of the same material and the same improvement, age and surroundings, are worth the same per square foot of cost.

In assessing business property, we first fix the value of the ground, determine the difference in value, by the location and general desirability. For instance, we count the number of people crossing on different sides of a block, and past certain corners, to get a comparison, and place the value of a location on the ground assessment only. The improvements are then taken up, and valued the same as residences. The ground goes in as near at actual value as possible, the improvement at cost less allowances for depreciation, etc.

There are many cases where a property owner feels that he is assessed higher than his neighbor, but when he comes to the assessor to investigate, he finds such complete and just information regarding his property that practically without exception he is satisfied. For example (and such cases are frequent), there may be two houses exactly the same size, and apparently of the same value, one of them, however, may have a hot water heating plant, quartered oak finish, and hardwood floors, while the other has a hot air heating system, cypress finish, and soft wood floors. These differences place the two houses in different classes by the difference in actual value, and the owner is satisfied. Having all the facts regarding each piece of property noted on cards, makes the matter of comparison easy.

In assessing stocks of merchandise, we require the merchant to produce his last inventory using that as a basis, we assess it at a certain per cent of its inventory value, treating all alike. We believe (and rightly too), that in merchandise stock there are many things taken from year

to year at a value that is more than a market value, and there is a good deal of difference between the actual value and the invoice value of many stocks.

Our experience has been that merchants as a rule give in the actual inventory figures, but in cases where the assessor feels that the merchant has not been honest in this respect, he raises the assessment to what in his judgment it should be according to the best information obtainable.

In regard to assessing manufacturing plants, we are inclined to be as lenient as the law will permit, giving them all reasonable allowances, believing that factories build up the community and produce taxpayers.

Every fair minded man is willing to pay his tax assessment if he feels that he is paying in the same proportion as his neighbor. We have found that our system appeals to the great majority of our citizens as being fair and just, and that there has been, since its installation, very few complaints about inequalities in assessments. Where we formerly had complaints by the hundreds, before the board of review, we now have not over twenty-five or thirty, which certainly speaks well for the conditions at Burlington. It takes time and hard work to get this system of assessing into full operation, but when once established, it is easily kept up by the assessor.

The thought occurs to me, that if we had a national law governing the question of assessment based upon a graduated scale of income, it would work out very satisfactorily. We would then not assess a merchant or manufacturer on his stock, but he would be assessed upon the income which he or they annually received.

For instance, suppose a manufacturer had in stock \$100,000, and if his trial balance showed that his net profits for the year were \$10,000, he would be assessed only on this \$10,000. But if his trial balance showed that he had cleared \$20,000, he would not only pay on the \$20,000 at the same ratio that he pays on the \$10,000, but it would be raised on the basis of a graduated scale, on the second \$10,000 much larger than the first ten, and so on ad infinitum.

As the cold autumn winds scatter the fall seed, so should the discussing of the taxing problem disseminate our views on the question until a better and more perfect system shall be adopted throughout the land to the satisfaction of all

interested. I have endeavored in brief to give a few suggestions for thought and argument, by those interested in this great subject of taxation and assessment.

I say "great subject", as there is no subject of municipal affairs that is more widely discussed by all the people of a community than is the subject of taxes, and any solution of this perplexing question would be received by the people and officials with pleasure and thanksgiving, for if it is ever settled, to the satisfaction of all, it will be the begining of the millenium for that locality, as well as the foundation for great stability and growth for such a community.

DISCUSSION

Mr. Glasgow: Mr. Chairman, I would like to ask Mr. Cross a question as to the values. Who fixes the values; does the assessor do that personally?

Mr. Cross: He has a set of tables, yes, he fixes the values from these tables he has worked out in advance, which are known only to himself, not even to his assistants. He has about twenty this year to help him out, and still we haven't got the system perfected yet, but will do so in the next two years. He has a table of his own, that is the secret of his success, with this table that he doesn't give up to any one, but he has a card printed with many questions, and is a very difficult matter to figure up. Each particular piece of property is carried out in detail on that card.

Mr. Glasgow: Does the value that he puts on represent the actual value?

Mr. Cross: It is the actual value.

Mr. Glasgow: Do they take the actual value out in the country?

Mr. Cross: No, they do not.

Mr. Glasgow: And if they don't, don't you pay a great deal larger proportion of taxes in your city?

Mr. Cross: Yes, but the law says you must tax the full value. The State Board of Review two years ago raised our taxes over forty per cent, and last year raised our country tax fifty per cent and the city tax ten per cent, after our honest effort to give a fair value.

Mr. Glasgow: Don't you think if the country will not bring theirs up, that you should bring yours down to an even proportion?

Mr. Cross: No, we think the State Board of Review will bring the country up.

Mr. Glasgow: I am afraid they wont.

Mr. Cross: Well, we live in hopes. I can only say, Mr. Glasgow, that our plan has given greater satisfaction, because every man is willing to pay equally with his neighbor. During my previous term as mayor, when we had our board of review meeting, we had a man at the door giving out tickets for sixteen hours a day for about three weeks, listening to complaints. Now we sit there for three days, no one comes in. One man said to me, "Mayor, I have two lots and the same house on each lot built by the same contractor from the same plans. I am paying \$35 taxes and the other man is paying \$15. Why is it?" Now I can go to this card and show him that his property is worth more than the next one. I might add that in former years—and I think perhaps that it is true of the majority of assessors throughout the state—they had friends. While they use the best judgment God gave them, there is a great difference in taxing and they have their friends and other influences brought to bear; but we now have a man who is actually bullet proof.

Chairman: Has any one else any remarks to make upon this valuable paper?

Mr. Tucker of Clinton: It has occurred to me that there must be some cities that do not have the values as high as they ought to be, that there are cities and towns where they have it too low. Now last winter, as you all know, they had a measure before the legislature to permit cities and towns to levy fifteen instead of ten mills for the general levy. The opponents to that measure before the house developed the fact that there were cities in the state of Iowa paying about \$1.27 per capita to the state, and there were other cities that paid but 46 cents. In my mind, places that only pay 46 cents have not their values where they ought to be. On the other hand, the one that pays \$1.27 per capita to the state has a too high value for the ten mill levy for city purposes. A city must have a certain amount to revenue on which to conduct its business, and there is a way to go about it without compelling your cities to send as much more outside of the municipality, or in other words that they must largely increase the amount for state, schools and other purposes in order to raise the money they must have. I believe that the legislative committee of this league at the next meeting of the legislature, should endeavor

to see that they have a little more latitude in the number of mills that they may levy for various purposes. There was also a measure before the legislature, that a city could—providing the city had a surplus in one fund, perhaps they might not have any use for it, and the other fund was overdrawn, that they could arrange to transfer that money, but those who have nothing to do with municipal affairs—those who were unacquainted with the facts voted it down. But to me it appears a very reasonable proposition. In my own home county and city, we have had the experience of having the state board raise the value in the country twenty-seven per cent, and in the city ten per cent two years ago, this year they raised the country seven and a half per cent. We find the problem with us in Clinton is this, the man who has got a little home—\$1,000, \$2,000, may be \$3,000, and the assessor can find out what that is worth, but a big business block over there that is perhaps worth seventy or one hundred and fifty thousand—whatever it might be—that fellow doesn't pay his proportion, no matter how we may endeavor to see that he does, he doesn't pay in proportion to the small home. I believe that would be born out by the delegates here, that is the experience in most of the cities and towns in the state. The large property—the man with the big business block doesn't pay the equal proportion of the tax, as suggested by the mayor of Burlington. I am willing to do all I can to help equalize taxes, to help the cities devise some way, and manage to have a competent board to tax the property at its value.

Mr. Cross: Permit me to reply to the gentleman that has just spoken. The laws of Iowa will not permit you to assess the rich man equally with a poor man. The only reason that I desired to be at the head of Burlington was that we might equalize the taxes, that a poor man with a fifteen hundred or two thousand dollar home would not pay any more than the rich man who had a home worth one hundred thousand. I took some very strenuous means to carry that out, and found the law was against me and I had to back down. A man builds a home costing \$75,000 and if he wants to sell it he would not get over \$35,000, therefore it is only worth what he could sell it for, and that is all he would be taxed for, and not for what that house cost him. On the other hand you build a home for \$2,500 or

\$3,000, you would be taxed the full value on what you invested, because you could sell the property for that amount, but you could not assess the rich man for more than his property would sell for.

Mr. Collins of Keokuk: I think it is in the minds of nearly every one here—one of the things that we would like to know, I know it is the principal thing that brought me to this convention, is what recommendation we can make to the legislature, what scheme we can devise that will replenish the general fund of those cities who are to be deprived of the mulct tax. There is nothing else in our city involving the brains of the finance committee except that one question. What shall we do to put money into the general fund? Mr. Tucker I believe, has said that they would not allow us to increase the taxation over ten mills in the general fund, and the impression that I had at Des Moines while I was there, was that we should raise the value of our property. We will lose \$23,500 when our fourteen saloons are put out of existence on January first. It is very easy to talk on how to raise the value of property, but the men who made that statement didn't take into consideration for one moment that in our city we will have to raise the value \$12,350,000 to make up for the loss of the saloon revenue. When you put \$2,350,000 on a city where the value of the property has not increased, until the last few years, possibly within more than one percent a year, if it was in a city where the value was increased at the rate of ten per cent a year it would be possible and reasonable to do that, but where the value of the property is at a stand still it is a very unreasonable thing to do. We have a reserve of eight mills on which to draw, if the suggestions that were made here this afternoon were put into force, and we had home rule we could apply them where we pleased. We would not be here asking this question, but we are deprived of using any of the reserves that we have at our command to put it in the fund where we need it the most. None of our other funds are in danger, but our general fund is bankrupt, absolutely bankrupt, when we face the situation that we will have to face on April 1st of next year. As chairman of the committee of finance I have anticipated already the loss and we will probably save about five thousand or eight thousand from January,

February and March of the coming year by discharging four policemen, a light inspector; members of the board of health, two of the bridge tenders and some other minor expenses that have been cut off. So that as far as our financial year ending April 1st of next year is concerned we haven't any concern, but when we come onto April the 1st of the next year we have this deficiency in our general fund, and what can we do? Our police force is reduced to the very lowest amount that we can possibly bring it to now. I would like to take some information back to the city council at Keokuk—we are of the commission form of government there—I would like to take some definite information back there as to what the general plan will be in cities where they are losing this revenue. I have asked my friend from Burlington and he evaded the question, he doesn't like to come up against that proposition, he doesn't like to answer it, he thinks it is too big a proposition and I am of the same opinion. Therefore I would like some information from some one else.

Mr. Sheldon: The city that I have the honor to represent is not affected by this recent legislation referred to. It is a big question to me as to how the cities that have been so affected are going to get out from under the burden. We have been going along making whatever improvements we could out of our regular funds and keep within bounds. Now there is a cause for this condition that exists over Iowa and over many localities, and I think that in order to relieve the cause you ought to get after the cause of the condition that exists, I don't know of any better way than to ask Billy Sunday back to these cities that he has visited and ask him to demand a free will offering and help these fellows out. He seems to have very good success in that direction, and if he succeeds as well in obtaining a free will offering to supply the deficiencies that have been referred to as he does in getting people to mend their ways, you wont have any trouble getting along with the deficiency in your general fund.

Mr. Mueller of Davenport: For fear our good friend Parley Sheldon might convince his friend Billy Sunday that Davenport needs his visit, I want to tell him that our general fund is in excellent shape. We happen to be, however, a city under a special charter, we are therefore a

city which has a very high valuation of the property, instead of working on a quarter basis we work on a half valuation. One mill will yield us \$25,000, our levy is eighteen mills, our saloons have been bringing us in for this fiscal year \$35,150, the city has at no time received more than \$500 over and above mulct tax, only during the last year did it receive more than \$200, and three years ago they only received ten dollars over and above the mulct tax. I think the Davenport position is justified, it is not wisdom to pile a very large financial burden of society upon the saloons, and we are now justified in our position. We have been operating the city of Davenport since 1908 on a tax levy of eighteen mills, we are operating now on a tax of eighteen mills and I feel reasonably sure that next year we will be operating on a tax of eighteen mills, but we are in a different position from Keokuk in this respect, I take it from what the gentleman from Keokuk says, the real estate in Keokuk has been stationary; with us, that has not been the case. Mayor Cross of Burlington has said that our values have not been fair and equitable. Smaller residents—the residential part of the town, the buildings have been assessed at a value which is out of proportion to the business part—just happened to be, and I can say that too, it just happened that the township board of equalization this year, without having been affected by this repeal of the Moon law, decided that they wanted to equalize, and as a result of that worked with the assessor, the township assessor, in which they separated the down town land from the improvements and as a result of that, the county board of review gave us an increased value of \$2,000,000 assessed valuation. The city board of review met probably a month after that and as a matter of course agreed to the same valuation, and that practically brings us the same increased income that we lose from saloons. Cities operating under the general law have ten mills, now our levy is eight mills on a half valuation, in other words on a quarter valuation, of sixteen mills. Our levy at the present time, the levy which we adopted at the second meeting in July this year is for general fund 3:3; mills also we have authority for eight mills on classification in the grouping, in which the general fund is a part, excluding libraries and parks, the entire grouping is sixteen mills, and our actual levy there is

11:04 mills. So the city of Davenport has 11:04 mills levied in the entire grouping, we still have a leeway of 4:5 mills, and in our general fund we still have a leeway of 4:7 mills on a half valuation, so we in Davenport are under no direct peril. I can't however help but feel grateful that—I am in contact with my old friend, home rule, again—it has pleased me very much that there seems to be such an additional interest in the subject of home rule. I am one of those who feel that in a large measure that is a cure-all for many of our troubles. But in the matter of taxation, there is one thing that we must not overlook and that is this, the matter of the excessive valuation of cities and towns is a matter which needs looking into, and I think that we should interest ourselves in legislation which tends to more equalize the valuation of farm lands as compared with city property, because the situation we are confronting right here in most of the municipalities is simply this, the only way that the funds necessary can be raised, is by raising the values and just as fast as we raise the values, to just that extent the cities and towns give more than their proportion to the state and the county.

The thought came to me in connection with everything that has been discussed here today. It seems to me, this body needs more than it has at the present time, in other words we have been neglecting something. It has been my pleasure to meet with the legislative committee for the last three sessions of the legislature, and so when I say what I am about to say, I don't want to have it understood as criticism, but something which I have gained from observation while working in Des Moines. It seems to me that we need a little bit more of publicity. At the last session of the legislature, if I am not greatly mistaken most of the propositions relative to legislative matters were handled by one man, but the papers contained little mention that had the tendency to acquaint the state at large with our problems. The people of Iowa, no matter whether they reside in cities or whether they reside in the country, are fair, and as soon as they realize that our demands are fair, that we are asking only things which are equitable, we are going to get them. I think we, ourselves, are to blame, we are somewhat to blame in not giving more publicity to the justice of our demands, our legislative committee which

will be appointed by the new president should be given to understand that that is a feature which should not be overlooked and that we start a campaign of education in all matters which are of interest to us.

Mr. Cross: I would just like to answer Mr. Collins, he asked me what we were going to do, but I will say to him that I have solved the problem so far as I am personally concerned, because I shall refuse to be a candidate any longer than the first of April and let the other man worry over it. And also that Burlington will revive the poll tax which has been abandoned years ago, we are going to make each man between twenty-one and forty-five pay \$3.00 which will raise a small amount, and further than that we haven't gone into, but we are of the same mind that he is, we would like to take back some good idea from this convention as to what method can be used. We lose \$40,800. Unfortunately in the past years we were very grasping, and we raised the saloon license from \$600 to \$2,000 and it has proven a burden, and now we have got to pay the balance of it.

I would like to hear from Mayor Smith of Sioux City as to what he is going to do.

Mr. Smith of Sioux City: I listened to the discussion of the mayor of Burlington with a great deal of interest. Mr. Collins suggested that Mayor Cross evaded the question of what they were going to do over there, I am afraid to say much myself because I don't know what we are going to do, and I admit it. Of course I don't know myself whether I will be a candidate next spring or not, I really don't know at this time, but our council is making a levy to provide for the fund so far as it can, just as thorough and just as fair as if we had to handle it, which I think is only fair to our successors. We lose from this saloon tax \$82,000 out of our general fund. By our increased population we could have had fourteen more saloons—I don't say we would have had them, because it is my opinion that that many more saloons could not find a location in Sioux City, because we won't have them in the residential district, and we won't have them in a good many parts of the town, and these forty-seven are occupying the best locations in town, but we will lose this \$82,000, that is sure, whether we had any additional saloons or not. City Attorney Poor, Mr. Collins

and some other people helped to get a law through the legislature permitting cities to levy a tax of two mills for the collection and disposal of garbage, sprinkling and cleaning the streets. As Mr. Glasgow, said, you have to establish a sanitary district—we have been paying for the collection and disposal of the garbage \$18,000 a year out of our general fund, as to sprinkling and cleaning the streets I don't know what it amounted to—it amounts to \$10,000 any how. In many cities they still charge the property owner for taking up garbage; and in the business district they charge the people for sprinkling the streets. We have not done that for years, and we will have to go back to that old fashioned system; and we have levied a two mill tax to handle this which formerly came out of the general fund. That leaves still a very large deficiency, that is still to be made up. We have discussed that poll tax proposition; but some of the council are not very anxious to put that in force, because some of them might run again, but maybe after the next election they might do that. But it is a very serious problem, because it came on us very suddenly, we were not prepared for it. We all went down to Des Moines and this repeal of the mulct tax was a sand bag, nothing else. The day before they repealed it, I was out getting a line up, and I asked one of the representatives if there was any danger, and he said it could not be possibly done, no danger whatever; and I was satisfied and took the train home that night, and the next day this fellow went up to the legislature and voted to repeal it. But it is a serious problem with us, what to do with this deficiency. When we reduced the number of saloons under the Moonlaw, from seventy-nine to forty-nine, we raised the tax license in addition to the mulct tax, we raised it to \$2,000, which did not quite make up the difference at that; and of course the more we lose now, but it is a condition—we have done the best we could. This two mill tax is a great help to us.

We have an increased valuation this year, a mill will bring in \$12,500 this year or probably \$13,000, that will help some on that side.

Chairman: I would say that I am in the same boat as some of the rest of you; our city is going to lose some revenue. We can't discharge any policemen; our fire department, which is a partially paid fire department, together with our

street lighting, we have always paid out of our general fund. This year we levied six mills for street lighting and two mills additional for street improvement, which we can switch around in two or three different ways. We also levied a special tax of two mills in the water department, and by doing that, we come within about fifty dollars of making up our saloon tax. Now we may possibly cut the salary of the mayor and council down so as to make up the fifty dollars. In Keokuk do you pay your police and firemen out of the general fund?

Mr. Collins: Policemen are paid out of the general fund, the fire department comes out of the fire department fund.

Chairman: We have been paying our lighting out of the general fund. It seems to me in solving this problem, and I recommended it to the legislative committee and they took some steps to secure a law—I think that the entire levy, outside of providing for bonds for the purchase of apparatus and extension of water mains, which is levied so much each year to pay for the principal and interest, I think that all the levies should be made as a general fund, and the city council should set aside so many mills or so much of the money into the various funds that they desire for the year and at the close of the year, by law, all money in all funds on hand to revert back again to the general fund. This would give the city a chance to use its money without being compelled to pay unnecessary interest, seems to me that is the most proper way you can handle it. You cannot levy more than so many mills at any time, and then let each city take care of its own difficulties. When I first went into office I had to sit up nights almost to take care of one particular item, which was the cemetary fund; they had levied a half mill or mill tax several years and they had a cemetary of thirty-eight acres paid for, and \$8,000 in the cemetary fund, with an income from the sale of lots sufficient to take care of it for all time to come, and I built a road and one thing another trying to get the fund so it would not be a burden upon the treasurer to carry it around. Now in cases of that kind, all that money which is not required should go into the general fund where it could do some good, where it would be a benefit to the city. But they say that if you take it out of certain funds and put it in another you are just as

liable to go to the penitentiary as if you had taken the money yourself, so it is not worth while to take a chance to think of this proposition.

I am glad Senator Kimball is here, he is one of the best friends the League has in the senate, has been an earnest worker, and a member of the legislative committee for many years, is willing to assist this League to solve problems, and I think with his assistance and the assistance of some of the friends who have come over, that we can get a law passed which would allow us to handle the funds of the various cities to the best interest, and to save paying interest on warrants that may be outstanding in certain funds when there is a surplus fund in another particular fund. So it seems to me to be the best thing to do is to try to get this thing through and handle your business—the city business the same as your own business and get through paying interest as soon as possible.

A municipality with a bank account at its own command is certainly in better shape than the man who has to borrow from his wife to pay the hired girl.

Mr. Weeks of Guthrie Center: I represent the smallest town here, as far as I can find out. I have sat here and listened to you folks discuss your affairs, and it occurred to me that the mayor of Davenport is right when he said there isn't enough publicity. You folks who are here are the fellows who want to get here and discuss your own propositions, but you never hear the small town's propositions and we have just the same as you folks. My idea is that if you could get into the small towns and get them back of your organization with their pressure upon the local representatives that you will get results. I know that I have gathered today—this being my first meeting, I hope it is not my last—a great many things of value to me, and I hope to go back enthusiastic for this League, I know I will, but I hope to be able to convey that enthusiasm so that our future councils will attend this League, but I do think this League ought to have a publicity committee and that they ought to work out some scheme and get every town interested, further than sending their warrant for ten dollars.

Mr. Beal of Earlham: I am from the little town of Earlham and we have our troubles. I get a salary of \$12 a year, and I have put in forty or fifty days in the year and a half that I have

been in office. Like my brother here, we have a cemetary fund on our hands, don't hardly know what to do with it, and we have got some bonds out to buy some more ground, and we have that in the supreme court now. But the council before us started a proposition to get the ground and they made a levy of four mills in the cemetary fund, the law only allows a half mill, and there is where they got their money, so some of you fellows can just follow that out and get your funds. And I believe the law allows the towns to levy a mill or two to help make the country roads running into town. Am I not right?

A Delegate: Yes sir.

Mr. Beal: But it doesn't allow us to make a levy for our roads inside of town. We get half the county mill back and the poll tax, that is all we get.

Mr. Glasgow: One mill can be used on the road within the corporate limits leading out into the country.

Mr. Beal: For driving purposes, we have been getting that for three or four years, it has been on our statute books three or four years.

Mr. Glasgow: There was one passed last year.

Mr. Beal: We have been having it all that time. We don't have a road tax and our general fund is a little low, but we get along with ten mills general fund, and we use part of that to help out on the roads, and our mayor said the other day, "Our town is too big, we are trying to make too much improvement on the tax we have." We have eight or nine hundred dollars in the cemetary fund, and we have an electric light and water plant that started out with a deficiency of about \$1,000, and now we have \$2,000 in the water and light fund, so we have about \$3,000 that we can't touch and we need a thousand that we could touch.

Mr. Glasgow: In reply to the gentleman in regard to this publicity proposition. I want to state that along about the first of December before the legislative committee had any meeting here, every mayor of every city and town, seventy-five population and over, received a letter asking them if there were any laws that they wanted to see pass, and asking them to name a member of their council or somebody that could be written to on matters of interest to the cities and towns.

Every city in the state of Iowa got one of those letters. Now then, if they didn't pay any attention to them, and didn't take the interest to reply to them, it seems to me that part of that blame rests on the smaller cities and towns. But in the matter of publicity, I agree with the gentleman we should have more newspaper publicity, and I am mighty glad to see this interest taken among the members of those towns, and I hope you will be successful; and will become really as much interested as the large cities that sent their men up to Des Moines during the legislature, spent several days and some spent several weeks up there, and it is that very thing that will get the laws we want up in Des Moines.

Now next spring we are going to have a primary and I trust that you will—whether you are a republican or democrat—when a man comes up for your support to become a member of the legislature, think that it is perfectly proper for the representatives of the city to go to him and ask him how he stands on some of these questions; if he says he is not favorable to them, why then give him the hook.

Mr. Weeks: I don't question that every mayor received that request, but it was to ask if they had any law that they were interested in. Well, what if the mayor knew of none? The request would be thrown into the waste paper basket, wouldn't it? How many of those towns know what the Iowa League of Municipalities stands for?

Mr. Tucker: If every delegate of this body would go back home and give two hours of his time writing an article for the paper as to what happened in this meeting, it would get more publicity than it has ever had before. I sent one today that will be in the paper back home tomorrow, telling of the work that was done here, or a synopsis of it, and I shall send another tomorrow night. Get it before the people, let them know what is going on, the question of home rule, next spring in Iowa, is not going to divide the farmer and the city dweller. In Clinton county the man who stands before the people and says, I am opposed to home rule, either in the country or city will be a dead duck. If every man here will go back home and write up an article on this meeting so the people can read it, it will get all the publicity it needs, and it will bring very good results next year.

Chairman: Any further remarks on this?

Mr. Saul of Dubuque: The trouble that the most of you people are up against at the present time, we had that last spring when we adopted the Sommer's system, and it will relieve us of a great deal of trouble this coming spring. Every piece of property in the city of Dubuque was raised by the Sommer's system, people saying that it amounts to almost one third of the total. After the Sommer's system turned in their first report to the equalization board they made a reduction on buildings of about twenty-five per cent and a reduction on land of ten per cent. I think that was the way it read, but that is going to help out wonderfully this coming spring. I don't think the city of Dubuque has got anything to worry about. As I stated before they had their trouble last spring. This matter came up before the city council whereby some of the citizens wanted the system right off, they put it to a vote of the people, and it carried four or five to one, but when the Sommer's system men made their report, I can tell you if the election was to be pulled off it would have been ten to one the other way. Everybody expected their taxes to be reduced and the other fellow's to be advanced, but instead of going that way every man who owned a piece of property in the city of Dubuque was valued equally, and by doing so a year ago, I think we will be able to get along as we did the year previous even if we do lose our saloons. I think it is a very good thing to use this Sommer's system, whereby they go over every piece of property in your city, they go over and measure every building in your city. They have a table that they work from whereby they place the value both on your property, on your land and on your buildings. Now that relieves the assessor of a great burden. These men who handle this Sommer's system are strangers in your city, they treat everybody alike, the assessor has got friends and they use their influence with him trying to get him to reduce their property, any one that ever had any experience knows that that has been worked. I think that Dubuque is on a good basis, as I stated before, that they will be able to pull through on fourteen mills, last spring they reduced from fourteen and a half to fourteen, and I don't think they will have to advance this coming spring to meet their debts.

Chairman: Increases the value, as a rule,

under the Sommer's system?

Mr. Saul: Some pieces of property were increased, but then they did not have a kick coming. No question in the world about it, there is but very little property in the city of Dubuque that is valued any where near what it should be.

RULES GOVERNING PUBLIC UTILITIES

The railroad commission of California has recently issued a set of rules governing the relation of public utility corporations with their customers. These or similar rules should be voluntarily adopted by every corporation serving the public and would do much to bring about a better understanding. The rules are as follows:

Service can be obtained without a deposit if the patron owns his premises, furnishes a satisfactory guarantor or has paid bills promptly during the preceding year.

With minor exceptions, other consumers may obtain service by the deposit of \$2.50. This amount will bear interest at 6 per cent and will be refunded at the end of a year.

Service can not be abruptly discontinued by corporations.

Failure to pay bills gives the company the right to absorb a deposit and demand a new one or require a deposit of guaranteed consumers, but fifteen days' written notice must be given before discontinuance of service, if the second deposit is not paid.

Disputed bills must be referred to the railroad commission and not settled by discontinuance of service.

Subscribers may obtain telegraph and long distance service on credit by giving reasonable guarantees.

In incorporated cities, it is not necessary to sign contracts to obtain service.

Corporations shall bear the expense of service connections. Heretofore utilities have assessed the cost of connections to their main lines on the consumer.

So-called cancellation charges are abolished. Consumers can discontinue and resume service without additional cost.

Utilities with franchises in municipalities shall make all necessary street extensions at their own expense; and in unincorporated territory on payment by the consumer as security, such pay-

ment to be a loan to the corporation and to be returned.

Under these holdings the railroad commission becomes the final arbitrator between consumer and corporation and hereafter its regulations, instead of the rules of the corporation, will govern the public.

COPYING SPECIFICATIONS

The writer of the first set of specifications was a genius. No literary gem has had a greater circulation or has been more widely copied. It has been said that construction conditions may change, but specifications never do. This of course is not true, but, nevertheless, even in these enlightened days, some men consider that what was good enough for their forefathers is good enough for them. One more less humorous example of the results of copying an old specification is given by a recent happening in Indiana. A township trustee had asked bids for painting several school houses. He wrote out the requirements in long hand, specifying the kinds of material to be used. Among these was pure "xixxeex" linseed oil. The contractors consulted all the local dealers, but none of them had heard of this brand. Finally one the prospective bidders went to the trustee. The latter explained that the oil was used last year and that he copied the notations from the old specifications. He produced the document and the contractor saw at a glance what had happened. The person who wrote the original copy on the typewriter and mis-spelled "linseed" and had then crossed it out with the x's and other marks, and had written it correctly just after the obliterated word.

—Engineering and Contracting

OLEAN PUBLICITY

The chamber of commerce of Olean, N. Y., has recently issued a folder showing the many advantages of that progressive city as a place in which to do business or to live. The work of this organization is one of the best examples, in the entire country, of what a live commercial organization can do for a city.

NOTICE

We want several copies of the May 1915 American Municipalities, and will pay twenty-five cents for each copy forwarded to this office. Municipal Publishing Co., Marshalltown, Iowa.

Calgary's Municipal Street Railway

Report by United States Consul, Samuel C. Reat of Calgary

There has been so much discussion of the municipal activities of Calgary, Canada, and the results as published, so often questioned, that the following report by the resident United States consul ought to be of the greatest interest. This is without doubt an impartial report and the facts as stated true, as the government would be pretty careful not to publish false or misleading statements of fact.

STREET RAILWAY

The City of Calgary, having then a population of 35,000, successfully launched an up-to-date street railway service on July 5, 1909. For several years capitalists endeavored to get the franchise, claiming it could not be operated at a profit. The city, however, did not give this away, but voted \$476,000 to build and operate it as a public utility, and although it was not anticipated that more than operating expenses would be received for a few years, it has been a success from the start. Beginning with 12 cars of the most modern type "pay as you enter" it returned the city interest charges and a surplus of \$10,000 for contingent account during the first six months of its operation.

This work was carried on by five paving contractors and one track construction company which had the contract for the unpaved sections, the city doing all special work, intersections and overhead, under the supervision of the city engineer and the superintendent of the street railway.

All materials and construction are of the best, tubular steel poles being used on the paved sections; the pavement is composed of granitoid, wood block, bitulithic, and asphalt; the track on such sections being laid on a sub-base of 4 inches of cement, with 6-inch ties, being spaced 4 feet apart, grouted in with cement, representing on the granitoid pavement sections 17 inches of bed.

The rails are 60 and 80 pound Lorain, 6-inch and 7-inch section, 60 feet long, high T bonded with double compressed bonds; all intersections are manganese steel, supplied by the United States Steel Co., and Hadfield's, of Manchester, England.

Overhead feeder wires are of aluminum, and all material is of the best quality, nothing being spared to make the system permanent in every particular.

After a completion of the work, as first estimated, a surplus was saved sufficient to purchase 6 additional cars, 46½ feet long, which were received July 1, 1910, giving an equipment of 18 cars. In September, 1910, a further by-law was voted to extend the line 24 miles and purchase 15 additional cars and equipment, at a cost of \$484,000. These cars were received and 24 miles of additional extensions constructed in 1911, giving a total mileage of 40¼ miles and 30 cars.

The taxpayers on October 3, 1911, further indorsed spending \$375,000 to construct 12 additional miles of track, purchase 18 passenger cars, 1 scenic car, and 1 sprinkler car, add to the car barn, and equip the system with all modern appliances, which has been carried out.

With the decision of the Canadian Pacific Railway to erect their western shops in Calgary, a further by-law was passed to construct 3 miles of lines to these shops and to purchase complete six 46½ foot cars, at a cost of \$82,000, making the equipment 54 passenger, 1 observation, and 2 sprinkler cars—55½ miles of track, which with 3½ miles donated to the city, makes a total of 59 miles. With this gift came a donation of 86 acres for a park on the Bow River, beautifully situated, wooded, and also water suitable for boating.

During the past year all the line feeders within three-quarters of a mile of the power house have been placed under ground. Two additional substations for light and power for the railway are under construction, which will increase the railway power 1,200 kilowatt hours.

At present power is supplied by two 500-kilowatt direct-driven steam units as an auxiliary and one 300-kilowatt and one 1,500-kilowatt motor generator, for which power is purchased from the Calgary Power & Transmission Co. at \$30 per horse-power year. The power depart-

ment is separately operated, supplying the city with light and power, and charges the railway for such power as it uses at $1\frac{1}{2}$ cents per kilowatt hour.

FARES CHARGED

Five classes of tickets are used—"school," good to and from school for adults and any time for children, 10 for 25 cents; "work," good morning and evening, 8 for 25 cents; "ordinary," 25 in book form, \$1; and pads of civic employees' tickets, 30 for \$1, the latter charged to the department in which they are used. On market days a "return-from-market transfer" is granted free.

"No passes are issued, but transfers are made from the different routes at 10 different points in the city, and a labor fare between 12 and 2 p. m. is being considered.

WAGES OF EMPLOYEES

Employees are paid a sliding scale, representing, after three month's service, 28 cents per hour; second six months, 30 cents per hour; for the second year, 32 cents per hour; for the third year, 34 cents; and after three years, 35 cents per hour. Time and one-half is paid to men working on holidays. Free winter coats and half cost of first uniforms are granted, with free uniforms after one year.

A sick benefit association in connection with the street railway was organized May 1, 1912, and is composed of all the operating staff, with proper officers and constitution. The fees are \$2 entrance and \$1 per month thereafter, one-half of which is paid to the association's treasurer by the street railway department, which reduces the cost of \$1 entrance and 50 cents per month. For this, on a duly signed certificate from the medical health officer of the city, who acts as the association doctor, members receive \$1.50 per day during sickness after four days and free private ward in hospital in case of injuries received in the service or operations.

The railway department also furnishes free club rooms, piano, pool, shooting galleries, etc., where concerts, competitions, and dances are regularly held.

Under agreement with the railway all employees agree to become members, and also, if required, become district constables, so that they maintain order on the system if necessary.

The system is operated by the city commissioners, with a superintendent in charge.

SUMMARY OF RESULTS

The municipal street railway for the year ending June 30, 1915, shows that the net income after all operating expenses, taxes, interest on funded and floating debts had been paid, was \$83,879.21 for the period from June 30, 1914, to June 30, 1915. From this amount there were deducted reserves and sinking fund charges, leaving the municipal street railway with a surplus of \$8,894.32 for the period covering the first year of the great world war.

The cost of construction and equipment per mile of road owned by the city is \$31,331.85. The gross earnings for the period from June 30, 1914, to June 30, 1915, were \$611,826.85. The total funded debt of the system is \$2,280,210, on which \$106,359.48 interest was paid during the period named. Salaries and wages paid totaled \$277,894.17, and total operating expenses, including salaries and wages, were \$428,797.18. The total number of employees is 272. The ratio of operating expenses to gross earnings during the same period was 70.08 per cent and of operating expenses and taxes to gross earnings 70.62 per cent.

Including main lines, siding, and turnouts, the total track of the system aggregates 71.5 miles while there are 87 cars of all classes with equipment ready for operation.

The total number of passengers carried during the period, including both fare and transfer, reached the enormous number of 19,073,278.

The operating expenses per mile were 15,191 cents, while the car earnings per car mile were 21,328 cents. General statistics follow:

Year	Passengers carried	Miles operated	Cars operated	Mi. of track	No. of employ'e	No. of Surplus
1910	3,649,697	500,622	15	16.5	62	\$ 29,435.53
1911	7,176,086	801,086	22	26.5	102	87,203.64
1912	12,941,630	1,643,328	48	54	246	107,253.49
1913	16,986,658	2,648,234	65	70.5	348	69,492.82
1914	16,213,731	3,112,407	65	71.5	380	3,831.60
1915	19,073,278	3,112,407	50	71.5	232	8,894.32

Like the other utilities of Calgary, the street railway has paid all its debenture interest and sinking fund, and has also provided an adequate depreciation reserve, which totaled \$311,351.80 December 31, 1914."

Arthur Cadwell has been appointed to fill the vacancy on the Mason City commission council by the recent death of Lyle F. Kirk.

Mason City Water Department Cost Keeping

By W. A. Judd, before Iowa Section American W. W. Association

I found on taking charge of the water department of Mason City in 1913 that the construction records were not adequate; entirely too much reliance was placed on memory. In fact, the memory of our old construction foreman was the best record we had. The amount and kind of material, location of mains and specials were kept by him in an old note book, and if they could be deciphered were copied into a record book and placed on our maps once a year.

From the very first I inquired about such locations and other items and recorded them, checking his memory with our plats and finding a number of discrepancies. Generally where there was a discrepancy I found the foreman's memory to be correct. During the working season of 1913 I had him make a complete report on all material used as soon as a job was completed. Locations were then recorded and the information placed upon our plats at once. At the end of the season we had a fair record of all the material used, but it seemed to me that these items should be turned in daily with the time sheet, in order to do away with all reliance upon memory. I thought a time sheet could be devised which would be simple in form and an insistent reminder that nothing should be done without being recorded. It was partly to satisfy my own curiosity that I included on this time sheet a system for recording the unit labor costs. I have not regretted this move, and I believe it is one which can easily be applied to any water enterprise, private or municipal.

It sometimes happens on construction work that an estimate is made on a job and when the job is completed the final cost is above the estimate. The result is somewhat embarrassing to the one who made the estimate especially when he cannot explain where and why the deficit appeared. With a unit system showing daily the cost of the various items of construction any tendency to overrun estimates is immediately visible, and the fault, if there is any, can be remedied. If unforeseen obstacles interfere,

obstacles which cannot be removed, the record shows them, and the man in charge will at least have an alibi.

In our city all sewer excavation contracts are paid for by the cubic yard and the material is classified as earth, loose rock and hard rock. I adopted these same classifications and the same unit, showing in one column the cubic yards of each classification excavated during the day and in another the hours spent. The drilling in hard rock is itemized by the number of holes drilled, feet of hole and hours spent. Shooting these holes is itemized simply by number of holes shot and hours spent. After all hard rock is excavated the cost of drilling and shooting may be spread over the cubic yards of hard rock, and the cost then becomes part of the cost of hard rock excavation. Back-filling is a simple proposition of yards of material moved and hours consumed.

In the unloading and hauling of material I have simply shown the hours spent and pieces handled. In the office, as will be explained later, the amount unloaded may be checked with the invoices and the cost of unloading spread over the pieces handled on a tonnage basis, if from a mixed car, or, if the material is of the same kind, simply prorated to get the unit cost of each piece. By a notation of the distance the material is hauled the cost per ton mile is easily ascertained. In recording the cost of pipe laying I have used one foot as a unit. This was mainly to have an accurate daily record of the number of feet laid, depending on the item "caulking" to get the number of joints. Bell hole digging is spread over the number dug and the pipe handlers and other top men are not itemized, just the number of hours being kept. The cost of laying, caulking, bell hole digging and handling can be later summarized as a total if desired under the general head of pipe laying, and the unit cost per foot can be readily determined. Our valves are housed in brick manholes, one man laying the brick and generally two attending him. The

cost, of course, is kept per manhole. One column only is kept for the hours of supervision and the cost disposed of as a percentage of the other costs.

At the bottom of the time sheet is kept the total time of each man for the day, and from this the payroll is made. Incidentally, the total of hours worked should be in balance. Between the labor items and the time roll is a series of columns in which to show the amount of each kind of material used during the day. These are columns headed "Pipe, Tees, Crosses, Valves," and so forth, for the common items, and blank columns left for the incidental ones.

We used this system last year and are continuing it now. However, with so complete a labor record, our system of buying material and charging it directly to our street main account seemed an antiquated one, offering no check on material on hand.

This year we made a complete inventory of all material on hand, estimated the cost of each piece, placed the total to the credit of our general street main account and opened a stock account and ledger. Our ledger is of the loose leaf type, having a separate sheet for each class and size of items and showing, the date of invoice, date received, from whom, quantity, price, transportation and unloading charges and the unit price. On the credit side is shown the date, requisition number, account, quantity, unit price and total value. A separate column shows the quantity balance and value. Requisitions are filled out by the man receiving the material and are handed in daily. When material is hauled from one job to another a credit slip is turned in. If there is no corresponding requisition we know the material was taken back to the stock pile. Proper credits are made on the stock ledger and debits on the job ledger, which is an auxiliary book called the "Uncompleted Construction Account Book." Each job is given a number before it is started and a sheet in the book. On this sheet is entered all material and labor charged to the job. The total of material debits must balance with the credits in the stock ledger and the labor with the payrolls.

We are using a continuous inventory system to keep our stock in check. An inventory of the classes of stock which have been most active is taken nearly every week, and if the amount

actually on hand does not correspond with the balance shown on the stock ledger an effort is made to find where the material went to or came from. We have been very fortunate in having but few mistakes of this kind, and those few were readily corrected by these frequent invoices.

In conclusion I want to say that while we have an itemized unit labor and material cost keeping system, one which shows the cost of every item and every job and the amount of material of every kind on hand and its value, it is not my claim that our system is the best one ever used on this class of work. I believe, however, that some such system can be worked out and applied to every water works.

A SIXTY-YEAR DEBT FOR FIRE ENGINES

As ammunition for the advocate of serial bonds, who has stumbled upon some obstinate member of the old school who cannot be convinced, note the following:

St. Paul, Minn., has just authorized the issuance of \$100,000, 30-year, 4½% bonds for the purpose of refunding a like amount of 30-year 4½% bonds due in 1916 and issued 30 years ago to pay for fire engines, hose carts and other equipment and to construct bridge abutments.

In other words, 60-year bonds are issued for fire equipment! Anyone who ever witnessed one of those firemen's parades that every city and town indulges in once, at least, a year has a pretty good idea of the value of a fire engine or hose cart in its sixtieth year, or even its thirtieth. And, as for a bridge, surely its period of usefulness in a western city like St. Paul, that has changed from a frontier town to one of America's leading cities within the lifetime of some of our living citizens, cannot, have outlasted the period of the original issue, now maturing.

For these improvements, St. Paul's taxpayers are made to pay, in all \$370,000 -\$270,000 of which represents interest at 4½% for sixty years! This is expensive business, but the really deplorable part of it all is that the generation that used the fire engines and bridges paid only the interest on the bonds for the first few years and passed the debt along to be taken care of by a more business-like citizenry of a future day. The next generation, however, didn't happen to be very eager to pay off this debt and so, by the simple remedy of refunding, they are passing it along to the taxpayers of 1936.—The Bond Buyer

From Kansas Municipalities

PURPOSE AND BENEFITS OF SOCIAL SURVEY

The main purpose of the social survey is, first, to develop a social consciousness in a community; second, to make a study of all the conditions of community life by representatives of the whole community; third, to form an effective organization under intelligent direction, which may inaugurate and carry out needed reforms; fourth, to bring a realizing sense of the need of city officials who have been especially prepared for their positions.

So far as government is concerned, there is a feeling that a city is divided into two groups, the officers and those who are governed. An individual seems to feel that he is living under the domination of the official group, and has no part in the welfare of the city, while in reality he is a part of the community, and should bear his share of the responsibility of the government, instead of spending his energies in abusing officials for their shortcomings. The city is a corporation composed of all persons within a given district, who have concluded to do things as a community rather than leave them to individual efforts. By forming a survey committee of representatives of every organization in the city, a united effort is developed to find out just what defects exist in the social organization and try to discover means of remedy. This universal organization develops a consciousness of power to do things. It makes a community feel itself responsible for the condition of its people.—T. W. Blackmar.

THE SOCIAL SURVEY EXHIBIT

The social survey exhibit is a social photograph of the community. It is an attempt to picture the life of a town or city. Its aim is to portray conditions as they are.

When the photographer takes a picture of a person, he retouches it so that the portrait represents the individual not as he really looks, but as he would like to look. The wrinkles are all removed.

With the social photograph the situation is different. There is no retouching performed by

the social photographer. He pictures, so far as he can, needs and conditions as they are. He refuses to retouch. If the social photograph reveals imperfections, the community itself must remove them. The value of the social photograph lies in focusing the attention of the community upon the removable evils which it reveals.

The social survey, culminating in the social survey exhibit, combines three principles: welfare, publicity, and social consciousness.—E. W. Burgess

MUNICIPAL LIGHT PLANT PAID

A reduction in the rates for electricity from fifteen to ten cents a kilowatt hour—with ten per cent discount for prompt payment—a light at every street intersection, a “white way” that has made the city known as one of the best lighted municipalities in Kansas, and earnings amounting to the cost of the plant—these are the results of Clay Center’s municipal electric lighting system, established in 1908.

Seven years ago the private light company was getting fifteen cents a kilowatt hour for current, and refused to lower their rate to twelve cents. Fifteen cents was their price. The citizens at last voted bonds to erect a municipal plant—\$25,000. That sum proving insufficient for all the work, the earnings of the plant were invested in new construction—\$25,000 more. The entire city was furnished service. The street lighting system was improved and extended. A special illuminating system for the downtown streets was put in and maintained. The city plant at once cut the residence rate to the price offered the private corporation and refused by them, giving a ten per cent discount for prompt payment of bills. January 1, 1915, the rate was reduced to ten cents, with ten per cent discount.

From the start the plant made a profit—a small profit at first, and after forcing the private corporation off the streets, a larger return. The earnings have paid for the \$25,000 improvements and extensions; and the original \$25,000 bond issue—the plant paying for itself.

The last of the bonds were paid off July 1, the people of the city holding a celebration on the freeing of their plant from debt, and the success of their venture of seven years ago.—
C. H. Talbot

MUNICIPAL HOME RULE FOR KANSAS

At its recent convention, the Kansas League of Municipalities passed the following resolutions:

Whereas, the question of greatest importance before the cities of Kansas is that of local self-government, or municipal home rule, subject to the constitution and the general laws of the state, therefore.

Be it resolved, that this League, in convention assembled, hereby reiterates its position upon this great question, and that it urges upon its members that they ascertain the position all members of the legislature may take in the event of their election and that they lend support to candidates whose views are friendly; that all requests for legislation be made secondary to this one request for home rule for the municipalities of Kansas; that the league reiterates its position in favor of the submission and adoption of an honestly drawn and workable initiative and referendum amendment to the state constitution, believing this government should be one "of the people, for the people, and by the people."

A MULE IS NOT A HORSE

So says the Minnesota Supreme Court in *In re Greer and State v. Ost*, 152 Northwestern Reporter, 866, a proceeding on claim for reward for conviction for horse stealing, the animals stolen being a pair of mules. Doubtless the decision of the honorable court may be good law, and yet we are inclined to soliloquize a little over it; for how are we to determine what an animal is except by reference to parentage? It is thus that the courts approach the question whether a person shall be considered a white man or a negro, even going back to third and fourth generations; and it being common knowledge that the mule springs on one side from the horse why isn't he at least half a horse and why shouldn't claimant be entitled to half the reward for a horse, and there being two mules in this case why isn't there enough horse blood to make a whole horse and a whole reward? Again, supposing that one of the mules should have been

of illegitimate birth, should it not be considered at law as having no ancestor other than its mother and is a mare not a horse as the courts have often held? We haven't the briefs of counsel before us and therefore do not know whether the argument above was advanced, but after all it has just occurred to us that perhaps the court followed the theory that where the father is known, the child should bear his name rather than that of the mother. We are not certain however that a self-respecting mule would agree to this and not being desirous of incurring his displeasure, we refrain from further discussion.

Ft. Madison and Greenfield are having plans completed for paving. Every city should decide on its paving program for the coming year during the winter so that the contracts can be let early in the spring.

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Anticipating Telephone Needs

When a new subscriber is handed his telephone, there is given over to his use a share in the pole lines, underground conduits and cables, switchboards, exchange buildings, and in every other part of the complex mechanism of the telephone plant.

It is obvious that this equipment could not be installed for each new connection. It would mean constantly rebuilding the plant, with enormous expense and delay. Therefore, practically everything but the telephone instrument must be in place at the time service is demanded.

Consider what this involves. The telephone company must forecast the needs of the public. It must calculate increases in population in city and country.

It must figure the growth of business districts. It must estimate the number of possible telephone users and their approximate location everywhere.

The plant must be so designed that it may be added to in order to meet the estimated requirements of five, ten and even twenty years. And these additions must be ready in advance of the demand for them—as far in advance as it is economical to make them.

Thus, by constantly planning for the future and making expenditures for far-ahead requirements when they can be most advantageously made, the Bell System conserves the economic interest of the whole country while furnishing a telephone service which in its perfection is the model for all the world.



AMERICAN TELEPHONE AND TELEGRAPH COMPANY
AND ASSOCIATED COMPANIES

One Policy

One System

Universal Service

ELECTRIC RATES OF BUFFALO

The following are the rate schedules of the Buffalo General Electric Company which were made effective September 1, 1915, as approved by the New York, Second District, Public Service Commission:

RESIDENCE LIGHTING

8 cents per kilowatt-hour for the first 60 hours' average monthly use of the maximum demand.

4 cents per kilowatt-hour for the next 120 hours' average monthly use of the maximum demand.

$1\frac{1}{2}$ cents per kilowatt-hour for all current consumed in excess of 180 hours' average monthly use of the maximum demand.

The total installation shall be determined by an actual inspection upon the premises; no maximum demand to be figured as less than 250 watts.

The maximum demand shall be computed as 25 per cent of the total installation, not including irons, heating devices, cooking devices, fans, vacuum cleaners and small utility motors not exceeding $\frac{1}{2}$ horse-power in size.

A discount of 1 cent per kilowatt-hour on the consumption billed at the 8-cent rate will be allowed on monthly bills paid on or before 10 days from date.

The consumer agrees to pay the company a minimum charge not to exceed a yearly minimum of \$12.00 or pro rata amount for portions of the year; the same to be collected in monthly payments of not more than \$1.00. The year for this purpose shall terminate with the December bill.

The consumer agrees to be responsible for service rendered until three days after written notice is mailed or delivered to the company's office of the withdrawal of the application for service.

The consumer agrees not to use the current for any purpose other than as provided in this application, not to change the size or number of lamps or devices without first having obtained the written consent of the company.

The consumer agrees that no other electrical service shall be introduced or used in connection with the equipment supplied hereunder, without previous written consent of the company.

In case the consumer fails to comply with the terms of the application or the rules of the

company, the company may, on thirty days' written notice, terminate this agreement, discontinue its service, and remove its property.

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8 cents per kilowatt-hour for the first 60 hours' average monthly use of the maximum demand.

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The total installation to be determined by an actual inspection upon the premises, but no maximum demand to be figured as less than 500 watts.

The maximum demand shall be computed as 50 per cent of the total installation, not including irons, heating devices, cooking devices, fans, vacuum cleaners, and small utility motors not exceeding $\frac{1}{2}$ horse-power in size.

A discount of 1 cent per kilowatt-hour on the consumption billed at the 8-cent rate will be allowed on monthly bills paid on or before 10 days after their respective dates.

GENERAL POWER SERVICE

8 cents per kilowatt-hour for the first 30 hours' average monthly use of the maximum demand.

$3\frac{1}{2}$ cents per kilowatt-hour for the next 40 hours' average monthly use of the maximum demand.

1 cent per kilowatt-hour for all current consumed in excess of 70 hours' average monthly use of the maximum demand.

The maximum demand shall be computed as 75 per cent of the full load rating of motor or motors, but no maximum demand shall be figured as less than 500 watts.

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LARGE LIGHT AND POWER SERVICE

\$3.00 per kilowatt per month for installations up to and including 10 kilowatts of monthly maximum demand.

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Warrenite—Multnomah county, Oregon. The following extract from editorial—North Bend, Ore., Harbor, of October 21, 1915, is interesting:

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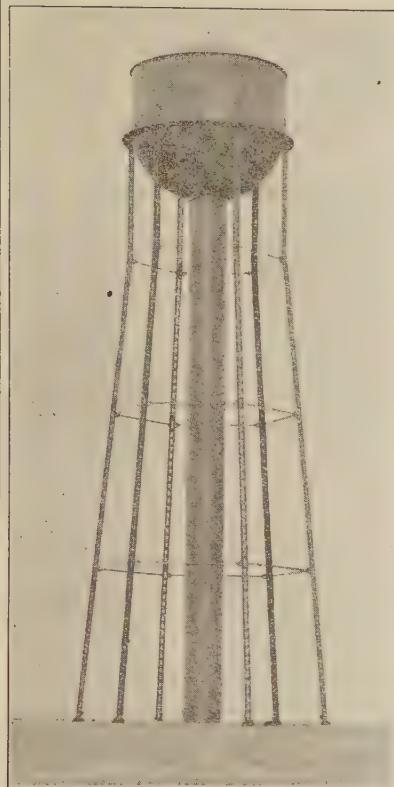
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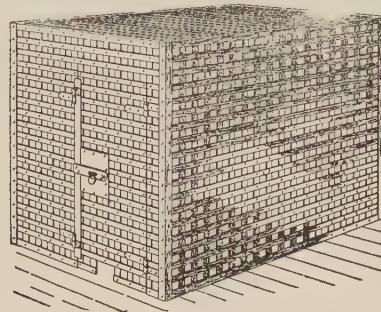
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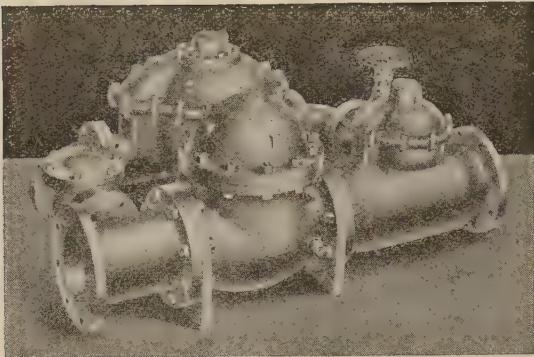
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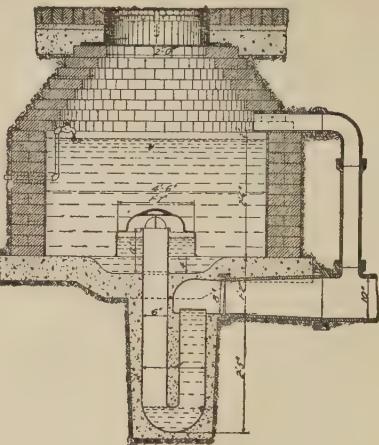
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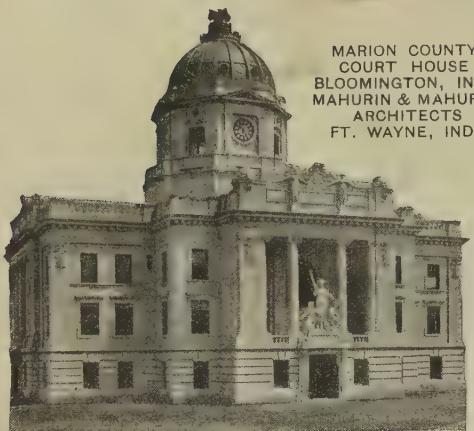


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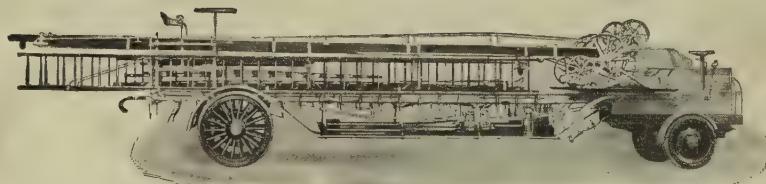
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WHEN the citizens of Portland, Oregon, faced the need of this line of 30 inch pipe they turned a deaf ear to the arguments of cheapness (?) advanced by the manufacturers of substitutes for Cast Iron Pipe.

These taxpayers knew that Cast Iron Pipe made more than 250 years ago is still in use, as good as new, and that no Cast Iron Pipe has ever been replaced because of having rotted out, rusted out or worn out, under normal conditions of service.

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In meeting this demand there is no middle ground upon which a good surface can be built. Therefore, in 1910, we offered the public such a road service, namely, "Warrenite the Ideal Country Road.

Warrenite has been laid to the extent of 480 miles of roadway, 16 feet wide, in many counties and states from coast to coast and has given the counties an ideal surface at a reasonable cost.



Warrenite, Terwilliger Boulevard, Multnomah County, Ore., overlooking the City of Portland

After three years' practical test in the use of Warrenite surface, the Multnomah County Court (which county includes and surrounds Portland, Oregon) in June, after a thorough investigation of all substantial forms of road construction, awarded contracts for surfacing of 75 miles (of roadway, 16 feet wide) of Warrenite surface, this being, it is said, the largest county road contract ever let in America. The work is now under construction and it will be an example for other counties to follow.

A report of the Portland Chamber of Commerce special paving committee, dated June 12, concludes: * * * "We are certain that everybody concerned in this paving problem who is entirely disinterested, has been, and is now, seeking to get the very best available pavement for the county, because it is realized that, in so doing, the county will be furnishing an object lesson which will be an incentive to depart from the unwise policy of the past, which has resulted in throwing money away for useless macadam roads."

Don't hesitate—investigate for yourself or let us show you the value of surfaced roads with Warrenite. Write today for illustrated booklets and learn more about this modern ideal road surface.

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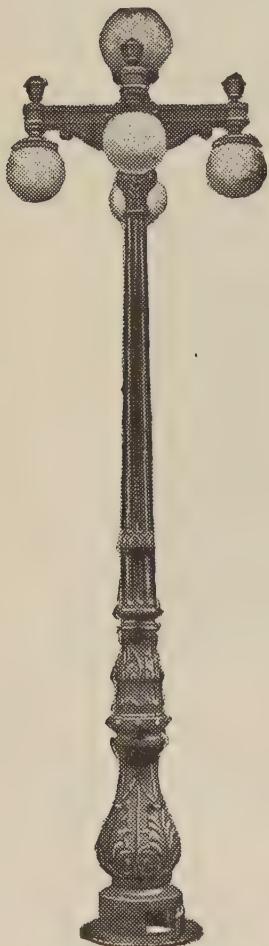
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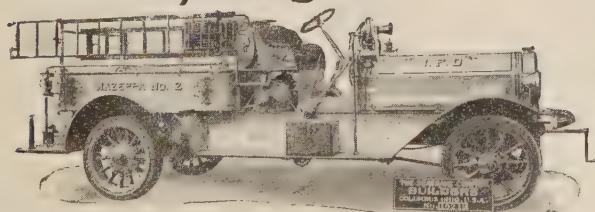
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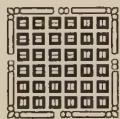
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WRITE FOR CATALOG

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Catechism



Taxpayers Want This Book

It explains the REASON WHY of good and bad asphalt pavements.

It begins with the highways of antiquity and in a 20-minute colloquy brings the subject down to 1916.

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Incidentally "The Asphalt Primer" is a facsimile, as to cover, print and wood-cut illustrations, of one of Benjamin Franklin's primers.

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Philadelphia, Pa.**

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Asphalt

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American Municipalities

February, 1916

Vol. 30, No. 5

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

OFFICIAL BULLETIN

League of American Municipalities

President, Mayor Martin Behrman, New Orleans
Secretary, Robert E. Lee, Baltimore

League of Iowa Municipalities

President, Dr. J. F. Cole, Mayor, Oelwein
Secretary, Frank G. Pierce, Marshalltown

League of Nebraska Municipalities

President, J. W. Mayer, Mayor, Beatrice
Secretary, Hon. Rosco C. Ozman, Lincoln

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TO MUNICIPAL OFFICIALS

Municipal officials receiving American Municipalities need have no fear of incurring financial obligations. If you are not a subscriber, either the municipality you represent is a member of one of the Leagues of Municipalities listed above and you are entitled to a copy free, or the copy you receive is a sample copy.

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COMMENT

Municipal officials should take especial interest in candidates for the legislature.

The League cannot hope to secure the legislation that the cities and towns need if those interested keep quiet and allow the corporations to elect men to the legislature who will represent them rather than the people.

A candidate should be requested to state his position on the question of Home Rule for the cities and towns.

Do not let them confuse the issue by stating that they are afraid that Home Rule means that the municipalities desire to control the policy in regard to law enforcement.

There is absolutely noting of this kind in or back of the movements.

The state is supreme in police matters and the courts have uniformly held that even where the municipality has Home Rule by constitutional provision that the state still has control of police questions.

The courts have gone farther and held that the state cannot divest itself of its power in this regard even if the people desired to do so.

Home Rule simply means that cities and towns may solve their business problems in their own way and not be subject to every whim of some member of the legislature.

The limitation of debt and tax levy is left in the legislature and there is no thought anywhere that this power should be taken away.

If any question is raised and you are not just sure as to what is desired write the Secretary of the League and he will send you articles dealing with this subject.

If a man is opposed to Home Rule look carefully into his affiliations and you are very apt to find a corporation connection somewhere in the background.

CHICAGO CEMENT SHOW

The ninth annual cement show will be held at the Coliseum, Chicago, February 12-19. Everyone interested in concrete roads or any other branch of the cement industry should arrange to attend this great exposition.

REMEMBER

Every official and citizen interested in the best development of our cities and towns should take a direct interest in the selection of candidates for the legislature. The corporations are always interested and busy. They believe that with the voters interested in national, state and county politics that they will be able to elect enough of their friends in both the senate and house to control the legislature. Even now representatives of the corporations are visiting the different counties and arranging to have men who are friendly to their interests become candidates. The men they choose are usually good representative men and come from all walks of life. The banker in the small town or the merchant or even the farmer may be a stockholder in a utility company or the owner of utility bonds. When a candidate for the legislature asks for your support find out if he is directly or indirectly connected with a corporation. Insist on knowing what his stand will be on such questions as perpetual franchises and Home Rule for the cities. Do not take his excuse that he is not posted but will investigate and decide as he thinks right. The corporations know whether he is for them or not and the people have a right to know how he stands. Do not let some minor question decide your support but favor the candidates who will be for the people all the time and not only when they think that their vote will be reported back home. Remember that we must elect members in sympathy with our ideas if we expect to get the laws that are absolutely necessary to the best development of our municipalities.

SALARY REDUCED

An amendment to the Spokane, Washington, charter adopted November second, reduces the salary of their commissioners from five thousand to thirty-six hundred dollars a year. It would seem that thirty-six hundred dollars a year is about as much salary as a commissioner should receive. One of the causes of the adoption of the commission plan in many cities and a cause that is not understood by the reformers and seldom mentioned, the fact that the high salaries provided by the commission plan has a special appeal to politicians. As one prominent mayor expressed it, he was only receiving two thousand dollars salary under the old plan and would

receive five thousand under the commission plan. It might be well to add that he was elected mayor under the commission plan, has been mayor ever since and the chances are can't hold the office as long as he desires.

DID NOT MAKE GOOD

Mayor Blankenburg was defeated for re-election in Philadelphia and a great many people seem to think that this was an indication that Philadelphia is not in favor of reform. The fact is, however, that Mayor Blankenburg who was elected on a reform ticket, was unable to meet the demands of his office in a way acceptable to anyone. He made no particular effort to carry out the reforms for which he had stood before election and his administration as a whole was a failure. The "North American" a paper that was one of the foremost supporters of Mayor Blankenburg in 1911 explains the failure at this time in the following words: "The mayor's failure to devise a rational policy to meet the financial needs of the city; his utter inability to command either respect or co-operation from organization councilmen, or even to hold those elected with him on the reform ticket; his absurd recommendations for unscientific and unjust tax innovations, and his broken pledge on eighty cent gas, all these features of his first twelve months in office brought about such a revulsion of sentiment that from that time forward any candidacy embodying an administration indorsement was foredoomed to defeat."

It is interesting to note that Controller Walton was elected controller for the fifth time at the same election. Controller Walton is responsible for the adoption of the budget in Philadelphia and the voters appreciated the fact that he is a competent officer, and this once more shows that where a municipal official delivers the goods that the people will support him irrespective of his party or faction.

Mayor Rolph was re-elected mayor of San Francisco. The last four years in San Francisco has been the best from a municipal standpoint that that city has ever had and the people are evidently satisfied to have a competent government if they can elect the men who will give it to them.

GOING CONCERN VALUE

In the Des Moines Gas Company vs City of Des Moines the supreme court of the United States affirmed the position taken by the lower court that "going concern value" is simply the difference between the physical value of a plant and that same plant in operation. This would indicate that going value is simply the difference between a plant as junk and the same plant in operation. In this same case the supreme court refused to consider the cost of cutting through and replacing present pavements in determining of value of mains laid before the pavement was put down. These two points have both been much discussed in the past but the position taken by the supreme court, not only settles them but settles them in favor of the people. It is well for all those who are apt to criticise our courts to remember that the supreme court of the United States has uniformly decided public utility questions in favor of the people, and it was not until the supreme court had by its decisions pointed out the way for the municipalities to control the utilities that utilities decided that it was necessary to have state utility commissions. The supreme court in its decisions is much more favorable to the people than are the different state utility commissions and this is a condition that everyone interested in the solution of the many industrial questions that are now being solved should remember.

SEPTIC TANK LITIGATION

A number of cities and towns that have installed septic tanks have been notified by the Cameron Septic Tank Co., that they owe royalties and that suit will be brought for the same unless settlement is made. I know nothing of the merits of the contention of the Cameron people but if there is any effort made to collect royalty from any of the cities and towns in Iowa or suit is brought against any such municipalities having septic tanks the League of Iowa Municipalities should be notified and we will hold a conference of all who would be interested in such action and try and formulate some plan whereby the municipalities may receive the advice and services of the best attorneys in the state and the expense thereof prorated among those interested. This would be much cheaper than for any one city or

town to bear the entire expense of the litigation and every city and town having a septic tank would be interested because the same facts and law would govern in each case. If your city has been threatened with suit you should notify the League at once in order that all those interested may be notified if a meeting should be held to consider this question.

ACCELERATOR FOR HARDENING CONCRETE

Experiments have been made by the United States Bureau of Standards to develop a method for accelerating the hardening of concrete, in order that the material might be used in revetment work in place of the willow mats that have been used in the past along the Mississippi River. The bureau finds that 4 per cent of calcium chloride added to the mixing water increases the strength of the concrete at the age of one day 100 per cent or more. In some cases the strength of the concrete in which the calcium chloride was used at the age of two days equaled 75 per cent or more of the strength normally attained in one month.

RESOLUTION

UNANIMOUSLY ADOPTED AT THE EIGHTEENTH ANNUAL CONVENTION OF THE LEAGUE OF IOWA MUNICIPALITIES SEPTEMBER 16, 1915

Whereas, The question of paramount importance before the cities and towns of Iowa is the question of home rule, therefore:

Resolved, That this League, in convention assembled, reiterates its position upon this great question, and it urges upon its members that they fully determine the position which all candidates of the legislature might take in the event of their election, and that, under no consideration, will they lend support to any candidate whose views are unfriendly.

Resolved, That they urge upon the individual members of this League that they give this resolution the publicity which is demanded to secure the proper recognition by the people. And be it further

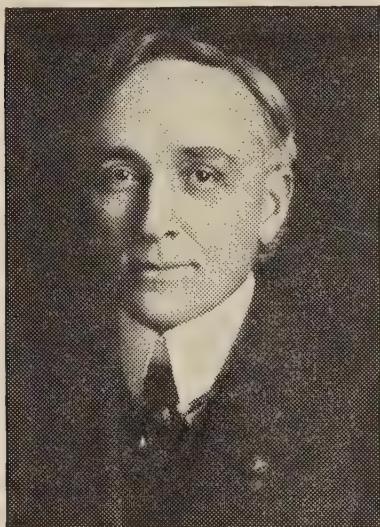
Resolved, That all requests for legislation be made subservient to this one request for home rule for the municipalities of Iowa.

We Have With Us This Day

JAMES DWYRE GLASGOW

It is impossible to give off hand the meaning of the middle name, but it is probably Scotch, either highland or lowland. Then the last name proves that he is, at least, of Scotch descent. He was not born in bonny Scotland, however, but at Washington. No, not Washington, D. C., but Washington, Washington County, Iowa. If he lives until August 23, 1916 he will have lived an even half century.

His early education was the result of attending a country school where he soon learned all that was taught, at this particular school. (That was not much of a school.) At one year past



sweet sixteen he was moved by his folks to the city of Washington and attended Washington College, a very fine school that soon after his graduation went out of business. You can't blame the school.

About this time he studied pharmacy and run a drug store for ten years. He also was active in the National Guard enlisting as Sergeant and retiring as major. Now when the old veterans of the national guard meet him they say, "Hello Major" and that always makes him stand up just a little straighter. Oh yes he is a

Knight Templar, Knight of Pythias and Eastern Star, especially the last. His real service to his country, however, was his life as a Major in the National Guard.

You would never think it, but really he is a pretty good mayor. His training for the job consisted of serving seven years as city treasurer, three years as councilman and he is now serving his fifth year as mayor. He was elected the last time without opposition which shows that he is either able to fool the people or else delivers the goods.

James is a booster on general principles, a booster for the state and more especially a booster for Washington, which he insists is the "Cleanest and Best Lighted City in Iowa." James is also somewhat of an orator and one of his numerous orations outlined his position on city affairs in the following burning words:

"Am for everything that is for the upbuilding and betterment of the cities of Iowa, I believe that the era of accomplishment for the cities of Iowa is just dawning and that the future holds great things to be done. It takes time, work and enthusiasm, and I have given all these for the good of the municipalities, cheerfully, and with a full belief that it is all worth while, and that by doing these things I am playing my part in a drama called Life."

It might be said in closing that Mayor Glasgow is one of the best workers in the League of Iowa Municipalities, having served as chairman of the legislative committee during the last session of the legislature, and is now holding the honorable position of vice-president with reasonable expectations that he will be honored with the presidency at the next annual convention. If all goes well a year from now he can add to his other titles of honor, that of president.

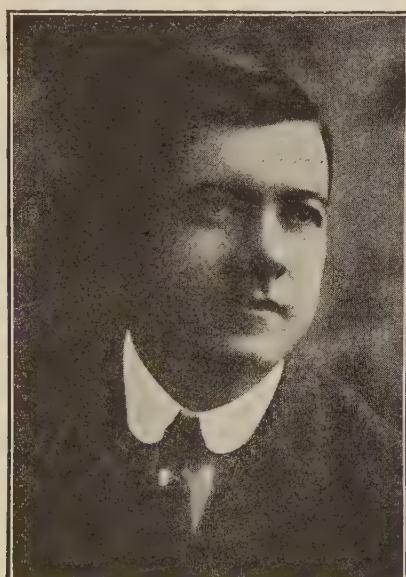
James Dwyre, I like that middle name, is also some little politician being chairman of the Republican Central Committee for his county. There is a rumor that he is a candidate for a county office and it makes no difference what the office is the voters of his county will not make a mistake by electing him. Here's hoping he is elected.

We Have With Us This Day

MICHAEL BOYLAN

You may have three guesses as to the nationality of this youthful looking individual. Irish. Well your first guess is partly right, Michael is of Irish descent, but was really born in this great land of the free, at Boscobel, Wis.

In accordance with the best stories, his parents were poor, and Mike or Mickey supported the family, or at least tried to do so, by selling papers on the streets of Kalamazoo, Michigan. You can almost see the little Boylan standing out on a street corner during a winter blizzard asking the heartless passers-by to buy a paper. This



early experience hardened the young Irishman's heart and as he grew older he looked around to see how he could get even with the public. After careful consideration he decided that he could hold the public up as a plumber better than any other way, and so he started in to learn to plumb. As he grew older he was not content with the union scale of wages, which to the common man ought to be enough, but made up his mind that he could get the money easier and faster by contracting, so in course of time became a contracting plumber.

It is interesting to note, however, that before he became a contractor he became an alderman of his city, which important event, that of being elected, took place in 1907. Mike is either a good official, or else can get away with the blarney, because he held the office of alderman from 1907 to 1914 and then induced the people to elect him mayor. Speaking of mayor reminds me of the city of Virginia, Minnesota, because the name of Boylan and Virginia are so connected in the average mind that when you speak of Mayor Boylan you instinctively think of Virginia and when you speak of Virginia you think of Michael Boylan.

Really Mayor Boylan is an exceptionally successful municipal official and is just the kind of mayor that the progressive city of Virginia, Minnesota needs. Virginia is a city of about twelve thousand population and the annual income makes most other cities of this size look like thirty cents. This city spends half a million dollars a year on improvements and ninety per cent of the taxes are received from corporations. The iron companies owning the mines within the city limits of Virginia pay most of the taxes but the fact that they are reasonably satisfied to pay the taxes, and do not seriously object to the way they are expended, is the very best possible proof that Honorable Michael Boylan is a successful executive.

The city of Virginia and Mayor Boylan entertained the last convention of the League of Minnesota Municipalities and they certainly entertained them right. The delegates attending the convention, as an appreciation of the mayor's good work, unanimously elected him as vice-president of this organization.

Mayor Boylan is accused, by his enemies, of having higher political ambitions and it would appear from the fact that his good wife is a Scandinavian that Mike expects to get them coming and going. Any one who could control the Scandinavians and Irish of Minnesota would have a lead pipe cinch on any office he wished. Watch Boylan and Virginia. They are two winners.

SENSIBLE SPEED SIGNS

The Automobile Club of Marietta, Ohio, has placed signs at the city limits that embody the new idea in municipal government, that the people should be asked to act in a sensible manner rather than to be continually met with the words "Thou Shalt Not."

As the automobile driver approaches the city he is met with the sign below.



As he is leaving the city the sign he sees takes it for granted that he has complied with all rules in regard to speed, thanks him for doing so, and extends an invitation to come again. This side of the sign reads as follows:



Municipal officials ought to remember that after all they are representing the public, that they are in the employ of the public and that the people are paying them their wages. Better results will be obtained under every condition if

the people are treated as intelligent beings and are asked to do things rather than command.

The city of Ft. Dodge, Iowa, is making arrangements to motorize its fire department and offers its old equipment for sale. If some small city or town can use a horse drawn chemical hose wagon they could, without doubt, buy these of the city of Fort Dodge at a very reasonable figure. Anyone interested should write W. I. Tang, City Clerk.

On November second, the city of Salem, Mass., voted to give up the commission plan and go back to the old federal plan. This is the first important city to go back to the old plan. But in many cities where the commissioners have not made a particularly strong record the chances are that movements will be started to give up the commission plan at the first opportunity.

The city of Cleveland at the last election voted on the preferential system and as a result of this the progressive candidate was defeated although he had a plurality of the first choice votes. This seems to once more prove the old rule that reformers are not always benefited by the reforms they bring about.

HARMLESS

It is a British custom for mayors and such like civic dignitaries to wear about the neck an ornamental chain, somewhat like that worn by Waldorf head waiters. And it was a Londoner, just arrived at a Scottish town, who interrogated the porter of the local inn:

"Not a large place, this?"

"Not very," was the answer.

"Has it a corporation?"

"A what, sir?"

"I mean, who rules it?"

"Rules it? Just the provost."

"Ah, the provost. Just like our lord mayor. Has he any insignia of rank?"

"Insignia! What d'ye mean?"

"Yes, insignia; that is to say, does he wear a chain?"

"A chain, sir! The provost chained! Na, na! He gangs loose; but dinna be feared, he's quite harmless." — Toledo Blade

Nebraska League News

Edited by Roscoe C. Ozman, Secretary, League of Nebraska Municipalities

The annual convention of the League will be held in Kearney February 9th and 10th, 1916. Each city and village is invited to send two or more delegates.

Kearney, the place of our Nebraska convention this year, is one of the growing western cities, full of life and business energy. It was organized as a town January 11, 1873, as a city of the second class in 1888 and as a city of the first class in 1901. From a report by the city clerk we find the city filled with interesting institutions. A canal 16 miles long furnishes the power for an abundance of electricity. This cheap electricity has drawn many industries such as alfalfa meal mills, broom factory, canning factory, artificial ice plant and many other factories.

There are seventeen churches, a five story opera house costing \$150,000, six brick school houses, a fine court house, three state institutions and the Kearney Military Academy.

The city boasts of its volunteer fire department equipped with all the latest fire fighting appliances. This together with the pavements in and out of Kearney and many municipal improvements will be worth the trip to the convention.

PROGRAM

OF THE SEVENTH ANNUAL CONVENTION OF THE LEAGUE OF NEBRASKA MUNICIPALITIES TO BE HELD AT KEARNEY, NEBRASKA, FEBRUARY 9 AND 10, 1916

WEDNESDAY FEBRUARY 9TH

3:00 p. m. Registration of delegates at City Hall.
 7:30 p. m. Address of Welcome by Mayor C. W. Kibler of Kearney. Response and Annual Address of the President of the League, Mayer J. W. Mayor of Beatrice, "The Municipal League and Co-operation." Address. "The Probable Results of Legal Regulation of Public Utility Rates," R. B. Howell, General Manager of the Metropolitan Water District of Omaha.
 Discussion opened by R. F. Ireland, City Attorney of Crete.

THURSDAY, FEBRUARY 10TH
 9:00 a. m. Annual Report of the Secretary-Treasurer, Roscoe C. Ozman of Lincoln Address. "Pure and Clean Food Law Enforcement," Clarence E. Harman of the State Pure Food Commission.

Discussion opened by Councilman W. E. Davidson of Holdrege and Dr. R. A. Davie, health officer of Arlington.

"City Planning and Engineering Problems of Smaller Cities" J. L. Hershey, Special Engineer of Beatrice.

Discussion and questions.

AFTERNOON
 1:30 p. m. "Streets and Paving in the Country, Highways Needed in Nebraska and How to Get Them" George F. Wolz of Fremont, member of highway commission. Discussion opened by Mayor Chas. G. Ryan of Grand Island and C. J. McNamara, city engineer of North Platte and T. J. Hensley, superintendent of the department of streets and public improvements of Lincoln.

3:00 Address "Some Municipal Problems" by Prof. A. J. Mercer, councilman of Kearney. Discussion opened by Mayor E. W. Wason of Fairbury.

4:00 p. m. Question Box Committee report.

4:45 p. m. Visit to Kearney's Interesting Sights.

EVENING
 7:30 p. m. Durable Roads for Country and City. Hon. T. Warren Allen of the Bureau of Public Roads and Rural Engineering, Washington, D. C.

Report of the Legislative Committee, Attorney A. P. Moran of Nebraska City, chairman
 Election of Officers
 Selection of Next Convention City
 Unfinished Business

QUESTIONS ANSWERED

Q. How long can a village trustee hold office after removing to another village?

A. By removal from the village, a member of the board of trustees vacates his office. This

is a new law we lately secured. (Page 230 Neb. Laws of 1915.)

Q. Have the village trustees power to ask for bids from banks as to interest on deposits of the village?

A. Yes.

Q. On what basis should a city physician in cities of the second class be paid?

A. An annual salary and the doctor furnish the medicine. As an example of what a larger place pays I would cite Lincoln paying \$600.00 annually.

Q. Is it common practice to levy an occupation tax on hotels and restaurants?

A. No.

Q. Would such a tax, if levied, apply to a private family keeping regular boarders or roomers?

A. An occupation tax must be applied impartially upon the class taxed but such tax would not apply to the private family.

Q. When can a levy be made for a city public library, and what procedure is necessary to start a library?

A. In our Nebraska statutes we find that Section 3793 provides that an ordinance must be passed to establish and maintain a public library, and the city council or village board shall elect a library board of nine members. Section 3795 provides that the library board shall have "exclusive control of expenditures." Section 3792 provides that at the time of making the annual levy a tax not to exceed three mills may be levied annually for library purposes.

MUSIC FROM A LEVY

The Nebraska City band, which through the summer months gave a series of concerts for the public benefit, is asking the commissioners of that place for an appropriation to aid in the maintenance of the band through the coming year. A law passed by the last legislature makes it possible for support of this kind to be granted.

A METER IS THE ONLY WAY

The city council of Ashland has issued an order that all water patrons using water for stock must install meters. Rates will be promulgated to cover the change.

A city work house is being recommended for Fremont by Mayor Murrell. Fremont finds a large number of trancients who are sentenced to serve terms in the city jail and the mayor wants

to find a way to give them employment. Besides each city working out a plan to work prisoners we have a new Nebraska law allowing cities and counties to unite in a county work farm.

SELL TO YOUR NEIGHBOR

The towns of Funk, Wilcox and Hildreth will be served with electric light and power from the big power plant at Holdrege. Other Nebraska viliages have found such service cheaper than building a local plant.

OILED STREETS

A number of towns are looking up information in regard to oiled roads. The county attorney of Washington county has given a number of towns information concerning the result of oiled roads at Blair. He declares that oiled highways are meeting with favor although at first the people did not take to them kindly. Two gallons of oil per square yard is used, and the roads allowed to settle before traffic moves on them. The question of oiled roads and their cost depends quite largely on the condition of the soil and the amount of oil required to make a firm highway.

In the city of Lincoln the oiled streets have not been a success. Under different conditions the results are different.

HASTINGS TO MARK NAMES OF STREETS

That the names of Hastings streets be marked in stone at the crossings, has been written into all contracts awarded for paving. Mayor Madgett, who is responsible for the specification, declares that this should be done in order that strangers in the city may have no difficulty in finding their way about.

PAVING REPAIR IN LINCOLN

SUCCESS IN RESURFACING BRICK WITH ASPHALT

Paving repair has been an important item in the work of the street department in Lincoln during the last year. Many holes appeared in the asphalt that had to be filled in, while the brick pavement had to be patched and resurfaced in spots. The department expended \$12,788.13 for the repair of paving in twelve months. That amount includes the total cost of labor and material.

The department repaired 9,622 square yards of asphalt pavement and 4,144 square yards of brick pavement.

City Engineer Dobson reports that the hot

mixer purchased last season proved very satisfactory and that the department was able to keep down the cost of asphalt repairs to a point considerably below the cost before the purchase of the equipment.

The old brick pavement laid from 1888 to 1901 is now almost constantly in need of repair and some of it has gone to pieces to such an extent that it is no longer economical to attempt to repair it. Regarding this kind of pavement City Engineer Dobson said:

"Many of these streets could be resurfaced with asphalt or asphaltic concrete at about one-half the cost of new pavement, and wherever the surface is in fair condition I believe that it would be advisable to resurface in this manner. This work cannot be undertaken, however, without the formation of a repaving district and a petition of a majority of the property owners in this district. Last season J street from Eleventh to Fourteenth streets was resurfaced in this manner and is giving good satisfaction. This year we have resurfaced one district on Twelfth street from Q to R, and a contract has been let for another district on Q street from Thirteenth to Sixteenth streets."

Municipal officials of Lincoln will be pleased to show visitors the resurfaced brick pavements. Other cities may profit by Lincoln's successful experiments.

PUBLIC UTILITY AND FRANCHISE POLICY

CONCLUSIONS OF COMMITTEE ON MUNICIPAL PROGRAM OF THE NATIONAL MUNICIPAL LEAGUE

The public utility and franchise policy embodied in a model city charter should be so formulated as to conserve and further the following purposes:

1. To secure to the people of the city the best public utility service that is practicable.
2. To secure and preserve to the city as a municipal corporation the fullest possible control of the streets and of their special uses.
3. To remove as far as practicable the obstacles in the way of the extension of the practice of municipal ownership and operation of public utilities, and to render practicable the

success of such ownership and operation when undertaken.

4. To secure for the people of the city public utility rates as low as practicable consistent with the realization of the three purposes above set forth.

It should be no part of such policy to secure compensation for franchises or special revenues for general city purposes by an indirect tax upon the consumers of public utility services.

In formulating a policy to carry out the four purposes above stated as desirable, the following principles should be recognized:

1. Each utility serving an urban community should be treated as far as practicable as a monopoly with the obligations of a monopoly; and its operation within the city should be based as far as practicable upon a single comprehensive ordinance or franchise grant uniform in its application to all parts of the city and to all extensions of plant and service as well as to the existing plant and service.

2. Every franchise should be revocable by the city upon just compensation being paid to its owners, when the city is prepared to undertake public ownership.

3. The control of the location and character of public utility fixtures, the character and amount of service rendered and the rates charged therefor should be reserved to the city, subject to reasonable review by the courts or a state utilities commission where one exists.

4. The granting and enforcement of franchises and the regulation of utilities operating thereunder should be subject to adequate public scrutiny and discussion and should receive full consideration by an expert bureau of the city government established and maintained for that purpose, or in case the maintenance of such bureau is impracticable, by an officer or committee designated for the purpose.

5. Private investments in public utilities should be treated as investments in aid of public credit and subject to public control, and should be safeguarded in every possible way and the rate of return allowed thereon should be reduced to the minimum return necessary in the case of safe investments with a fixed and substantially assured fair earning power.

Report of Iowa League Meeting

Councilman McCleery, of Washington, Reports to Council

The following report made by one of the delegates to the annual meeting of the League of Iowa Municipalities and published in full in the Evening Journal of his home city is one that every official should read and is the kind of publicity that will do the League a vast amount of good.

By the request of our honorable mayor, I am herewith making to you a brief report of the Eighteenth Annual Convention of the Iowa League of Municipalities, in which organization this city holds a membership.

It will not be my purpose to attempt to force on this council any views of my own regarding municipal affairs, but simply to reflect those of older men, both in age and experience, derived from the regular program, general discussions and lobby conversations at the Grand Hotel in Council Bluffs, Sept. 14, 15 and 16. As a "sounding board" so to speak, of this great meeting, I will mention only such things in so far as they relate to the cities of the second class under the general law, particularly of importance to us here in Washington.

As a rule the news reporter sums up the whole story in the headlines and first paragraph but I will give it to you in just two words. They are "Home Rule"

This, as you well know, is the commonly applied term to a movement which has been on foot the past few years. The program was well planned with the thought of giving home rule a big boost in this meeting. Almost every address and discussion brought out some phase of this subject. There was apparently an unanimous sentiment for it at the close of the meeting. The resolutions adopted made the issue paramount there being mention of nothing else. Other matters, though important, gave way to home rule which was singled out that it might have the more emphasis. From the fact that the League has taken such a decided stand in putting forth efforts to get the home rule bill passed at the next session of the state legislature, it behooves us as councilmen and citizens interested in the

welfare of our own city, to look into its merits at least. Mayor Hanna of Des Moines in a conversation said there are strong secret influences against the bill, and the real identity of those opposing it might not be noticed, even by the close observing. The experience of our mayor, heretofore published, also brings out this fact.

Your delegate has simply laid this matter before you, and the workings of the law as it now is in different towns and cities might not be out of place. For instance here is the case of the town of Hawarden with a population of a little over two thousand in the northwest part of the state. Their mayor in that town told me that their problem is largely that of a small creek running through the town. This stream has to be spanned with bridges. The town, despite the lack of necessary bridge funds, has the bridges. The necessary improvement has been brought about by private subscriptions, begging and pleading with county commissions with poor if any results, conducting of entire county election campaign, etc., by the public spirited citizens of Hawarden. It can readily be seen that these methods are not equitable, and inflict an unjust burden on the mayor and council of that town. Under ordinary circumstances good officials can serve for patriotic reasons, but when it comes to such extraordinary cases as this, those afflicted should be relieved as quickly as possible. Another case illustrating the workings of the present law was called to your delegate's attention by one of the councilmen from Burlington. In that city, located as it is on seven hills like ancient Rome, the grading fund is always minus and found wanting when it comes to making the necessary street improvements. This happens to be just an opposite condition of our own locality, and what to do with the money in our grading fund is our problem. The two instances your delegate has given are extreme cases, one in one corner and the other in the opposite corner of the state. But if time and your patience permit, other numerous cases all the way over the state between these

could be cited. One of the greatest problems in Des Moines' existence, faced her when a big flood visited that city a few years ago, destroying millions of dollars of property, following which the legislature had to be appealed to time and again for laws and amendment, when by working under their own city government they would have been able, not only to solve the difficulty sooner but also save unnecessary trouble and expense. Here in Washington it is not as extremely difficult to work under the present law as in some of the cases given, but we cannot foresee what might happen and in what an awkward position we might be placed. The council will kindly pardon me for this brief intimation, for you may rest assured your delegate does not wish to borrow anything from the future, to add to your stock in store of troubles for the present time. In closing the report on this part of the subject will simply say that the next candidates in this county for the state legislature, irrespective of party affiliation, will be required to pledge themselves one way or the other on the home rule proposition. This will also be required in practically all the counties of the state.

So much for the chief topic of the meeting of the state league. Your delegate will now make mention, under sub-heads, of a few things that perhaps will interest this council.

PAVING AND REPAIRING

As some of our old paving will need repairing in the near future, your delegate spent some little time interviewing other delegations as to what, in their experience, had proven to be the best method of repairing brick paving. For the consideration of this council would recommend that we look particularly into the merits of asphaltic concrete which is being used with success in Cedar Rapids and Davenport, as claimed especially by delegates from the latter city. Mayor Hanna informed me that Des Moines had just recently let a contract for asphaltic concrete paving and he is very favorable to this method, both on the original improvement and repairing. However, the majority of men I conversed with seem to favor the materials we are using in this city. Your delegate is convinced that this council will not go far astray by following our city's policy thus far as to the paving proper, namely concrete for residence streets

and vitrified, repressed brick blocks with concrete foundation and sand cushion for traffic streets. As to the merits of the bituminous surfacing product, your delegate has nothing reassuring to report. However, I am living in hopes, that our experience may prove satisfactory in the end, and that our delegate at the next meeting can report something favorable in its behalf. It was the conviction of many in the league that there are many kinds of paving with merit, but the main thing is to insist on getting what is contracted for in full. This important fact was sounded forth in a ringing little speech by the mayor of Dubuque, himself a contractor, and wise to the ins and outs of the business and some firms engaged therein. Rigid inspection by a qualified inspector who will rule the job with an iron hand, and see that specifications are carried out to the letter, as was done by our man on the concrete job this year, is the all important thing.

ENGINEERING SERVICE

Your delegate was much interested in the discussion which followed a paper on Engineering by the secretary from Minnesota, whose name I do not recall. This gentleman, who holds a similar position to Secretary Pierce of our own state, advocates the practicability of several towns going together in employing engineering service, holding that more competent men can be secured in this way. The discussion which followed developed the fact that there is somewhat of a clash between the state engineers and the state schools which are doling out free service. The standards of practice are not what they should be, that must be admitted. These facts may be taken into consideration by our own city. I mention this here because the subject of sewerage and disposal has been brought before the people of this city. Whether this council, or the next, attempts this big project it is important that all available information be secured, especially in connection with the first step, which will be the engineering service. The council will have to rely upon the scientific knowledge of the engineer and it will devolve on the council to move cautiously and act with wisdom. The reputation and competency of the engineering firm taking this work will have to be considered first, and the expense a matter of secondary consideration. While it may seem that I am already trespassing and inflicting my own views on you in this matter

of engineering service, I am taking it just as seriously to myself as I know how.

TAXATION

Mayor Cross of Burlington gave a very able paper on taxation, and in treating the subject dealt with the single tax idea, in which he is a firm believer, and on which I need not dwell at all, save to say they have worked out in Burlington some efficient methods by which the assessor is getting results. There they require the merchants to produce the last inventory of stock. Their plan also embraces a card system on which measures of buildings, materials in construction, and other important data in detail, is used before the valuation is fixed. Mr. Cross claims to have brought about a more satisfactory taxing of the people, with very few complaints as compared with their old haphazard ways. It developed in the discussion that many cities are collecting the entire poll, some employing collectors, and others by ordinance and penalty, etc.

WATER ANALYSIS

Dr. Henry Albert, state bacteriologist, came from Iowa City and explained the arrangement under the new law whereby the water analysis can be made at the state university whenever requested by any citizen, endorsed by the local board of health, by simply paying a fee of one dollar and transportation of container. The doctor invited and recommended frequent water examination. In case of closed and protected deep wells such as our own, he deemed an examination once each year sufficient. Yearly tests have been secured by our superintendent for some time.

UNION DEPOT

It may seem odd that your delegate should mention union depot in a report of this kind, but that this city may profit some time in the future I here refer to the experience of Council Bluffs. This matter does not concern us so much as councilmen but as citizens working for the common good of our city. According to the commercial club of Council Bluffs, where they have eight trunk lines of railway and seven depots scattered with their tracks in all parts of the city, they cannot get a union depot there until a law is passed giving power to the railroad commission to order its erection. The commercial club at the Bluffs has sent delegation after delegation to Chicago to meet with the big men of the railway

world, and presented their claims as persistently as they knew how. They always left Chicago with the kind regards and best wishes of the railroad presidents, but they never got anywhere. Then they appealed to the state railroad commission which admitted the justness of the request, but was helpless for the reason that there is no law granting that body the power to enforce its building. This being true, it would be to our advantage to have such a law enacted.

OFFICIAL HONOR

It would be unjust in a report of this kind to fail making mention of our Mr. Glasgow, who has been one of the most ardent workers in this league the past few years. There is probably no one in the state, aside from the regularly paid secretary, who has done more for the league than has Mr. Glasgow. It would be difficult to convey to you the high appreciation by the league of his work on the legislative committee. It is the policy of the league to honor with office only those who work for it. There was a strong following ready, and by persistency could have landed our mayor in the president's chair. However, Mr. Glasgow gave way to Mr. Cole of Oelwein, who was selected by acclamation. Mr. Glasgow was named vice president by unanimous choice, and will preside over some of the sessions next year, it being the custom for both the president and vice president to act.

THE NEXT MEETING

These impressions have been hurriedly set down on paper, and in closing you will kindly bear with me if I urge my conviction upon you in just one particular, and that is that you all attend the next meeting in Dubuque. This year's meeting was claimed to be the best ever held, and the next is sure to be like unto it or better. The district meetings talked of were given up for the reason that they might detract from the state meeting. In that there will be but one meeting and that a good one, it behooves us to represent this city at least with a full delegation of two members of the council and expenses paid as provided by law. If we give the city the time from our own business, it will surely benefit by the small expense. I met at this convention business and professional men of the highest type, men of worthy ideals who are putting character into the cities. These men were not out merely for a "junket" and a good time, though Council

Bluffs did show us a good time. They were there to work together for a greater and better Iowa. It is surely evident that we cannot attain the things we want by working single handed. Your delegate noticed that while we are a small city we are grouped along with the largest in the state. The problems of the larger cities are becoming our problems more and more year after year. They are making mistakes as well as ourselves, are frank to admit them, take counsel and try to do better. We have gained a place and standing with them we cannot afford to lose. It is up to us to maintain it and I urge that we do it.

Thanking you for your indulgence, and trusting I have conveyed to you something of the league's work and aims for the future, this report is most respectfully submitted.

SUCCESSFUL MUNICIPAL OWNERSHIP

The private light company which until four years ago enjoyed a monopoly in Kansas City, Kansas, has recently agreed to the city's demands to discontinue service and remove its poles from the streets.

This is the concluding chapter in the history of the contest between the people of Kansas City, Kansas, and the privately owned lighting utility.

When a reduction in the company's 10 cents a kilowatt hour residence light rate was asked for by the big Kansas city, the request was refused. The corporation was powerful and resourceful, both in wealth and political managers. Let the city do what it would.

The commissioners submitted a bond issue for a municipal plant. It carried. Later, additional bonds for extensions were authorized.

The people's lighting system was built and established.

The result: the rate for domestic lighting was reduced from 10 cents to 6 cents a kilowatt hour, and the yearly cost for arc lamps for street lighting from \$65 and \$90 each, to \$55.

The people rallied to their own plant—users of current making city connections, and many families previously unable to afford electricity in their homes putting in the convenience at the lower rate schedule.

The municipality now has more than 6,600 light and power consumers, and is carrying on the business successfully and profitably.

With the exception of continuing to supply

a few heavy power users, under the city's demands, recently agreed to by the company, the private concern will discontinue all business in the Kansas metropolis by January 1, 1916, and will remove its poles and wires from the streets.
—Kansas Municipalities

REPAIR OF CONCRETE PAVEMENTS

The Engineering Record recently published an article on "Maintenance of Concrete Pavements" from which the following recommendations are taken.

1. The imperfection to be repaired should be thoroly cleaned by brushing until all loose particles have been removed.

2. If a cut has been made thru the pavement and exceeds 6 inches breadth or diameter, the sides should, after cleaning, be painted with cement grout, and the cavity filled with concrete of the same mixture and consistency as were used in building the original pavement. Any excavation should be back-filled with gravel, well tamped, and the concrete properly reinforced. The repaired portion should be cured by being kept moist for at least four days, and protected from traffic until thoroly hardened.

3. If, due to careless mixing and placing or a bad batch of aggregate, a worn spot exceeding $\frac{1}{2}$ inch in depth appears, it should be carefully cleaned and dried, painted with hot tar and filled with stone. Several sizes should be carried by the repair gang, the object being to use in any given hole a size of stone large enough to reach nearly from the bottom of the hole to the surface but never to use stone exceeding $2\frac{1}{2}$ inches in diameter. Where large sizes of stone are used, voids should be carefully filled with smaller sized stone and the whole tamped or rolled into place. Hot tar is then poured over the patch, gaging the quantity so the tar will be absorbed without any large excess.

4. Imperfections less than $\frac{1}{2}$ inch deep, cracks less than 1 inch wide, and expansion joints from which the filler has wholly or partly disappeared, should be cleaned, dried and filled a little above level with hot tar, on the surface of which thoroly dried gravel or granite from $\frac{1}{8}$ to $\frac{1}{4}$ inch in size should be spread with a shovel.

5. Refined coal tar should be used, having a melting point ($\frac{1}{2}$ inch cube method in water) of about 100 degrees Fahrenheit. The tar should be heated to from 225 to 250 degrees Fahrenheit at the time of application and may be applied by means of a sprinkling can with spray nozzle removed. For the wearing surface, thoroly dried sand or screenings graded from $\frac{1}{8}$ to $\frac{1}{4}$ inch should be spread over the top before the tar has cooled enough to prevent the sand from becoming firmly embedded therein.

Chicago Engineer on Engineering Co-operation

In a recent letter Mr. James R. Cravath, one of the leading engineers of Chicago, has the following to say in regard to the discussion of Professor Price's paper on Municipal Engineering at the annual meeting of the League of Iowa Municipalities.

I have just been reading with considerable interest the discussion on Engineering Co-operation for small towns in your last issue and especially your part in the discussion regarding the attitude of the Iowa Engineering Society on the activity of Iowa State College. While I have no knowledge of what action or discussion may have been had by the Iowa Engineering Society except in a few words contained in your discussion as published and consequently could not intelligently either criticise or commend the general attitude of that society, I would like to say for myself as a member of the engineering profession, as well as on behalf of numerous others in that profession, who can look at all sides of a question, that we have no sympathy for the attitude of any trade or profession which argues against a proposition because it will hurt that trade or profession.

If a proposition has merits from the standpoint of public service, the engineers or lawyers or sewer diggers or whatever they may be, will have to take the consequences. The whole question is how far the state should go in furnishing engineers' services to individuals or cities free of charge. If the state wants to go far enough to maintain a specialist in each branch of engineering, with a sufficient corps of assistants so that it can furnish all engineering services free for municipalities it would not necessarily be a calamity for the engineering profession. Many of the men who now hang out shingles as consulting engineers would be in the employ of the state, and incidentally there would probably be more engineers and more use made of engineering services than at present. However, it is to be presumed that we are a long distance from such a complete taking over of engineering work by the state. Under conditions as they exist at present in

Iowa, it does not seem probable that engineers from Iowa State College could do very much for any one municipality as state employees, without injustice to other municipalities who would share the expense of maintaining the college. Personally I should like very much to see the plan of having Iowa State College engineers give preliminary advice on various subjects, when asked by municipalities, as I know it should result in benefit both to the municipalities of the state and to competent consulting engineers. For the lack of a little disinterested advice such as could be furnished by the State College engineers, many municipalities blunder along with expensive experiments, either because they do not know where to go to get competent advice or because the city officials are not even aware that there is any problem connected with the work, that they are not competent to solve without technical advice. In connection with such state service it seems to me that the State College engineers could render a real service to municipalities on the very important question of who are the competent engineers in various lines. This does not mean that State College professors should show any preferences in making such recommendations other than those to which the engineer might be entitled by past records and achievements, but it is evident that the professor at Iowa State College in any particular branch is in a much better position to know the standing of engineers in this branch than are most city officials. The selection of an engineer for an important work for a city is something to be carried on with as much care as the employment of any man intrusted with the expenditure of a large amount of money. If the public and city officials were better acquainted with the actual amount of money that is likely to be wasted by poor engineering they would hire more engineers and be more careful what engineers they hired. I regret to say that lack of sufficient care and caution in this respect has been responsible for the employment of incompetent men in some cases who have cast discredit on the profession.

Collection and Disposal of Refuse

By D. C. Faber, Industrial Engineer, Iowa State College, Before League of Iowa Municipalities

Public health, comfort and convenience are the fundamental considerations in the disposal of city refuse. If these conditions did not exist, the municipality might regard with comparative indifference the accumulation of ashes, garbage and other refuse. Such accumulations, however, not only produce disagreeable odors, block the public highways and otherwise interfere with public comfort and convenience but are also liable to be or become centers of infection, from which disease may be disseminated throughout the community by individuals, by winds, by insects, and possibly in other ways. The disposal of city refuse is a problem of such serious importance to a municipality that its solution should command the deep thought and careful consideration of citizens as well as officials. In the smaller communities, this matter receives very little attention and without serious results, but as the municipality grows, it becomes necessary to adopt and carry out some definite plan by means of which the waste materials can be disposed of in a satisfactory manner. Improvements which have been made in recent years in those branches of municipal service having to do with the public health and comfort have been very marked, but the methods which have been followed for the disposal of refuse in our cities and towns are still for the most part inefficient and unsatisfactory. The disadvantages and objections to the methods used in many cases have long been recognized, but the difficulty and expense involved in improving them have caused delays in the making of changes and the introduction of necessary improvements.

The materials ordinarily included in the term "City Waste" may be divided into (1) sewage, (2) city refuse, (3) trade refuse.

Only the collection and disposal of those materials usually classified as city refuse are discussed in this paper. City refuse includes garbage, ashes, rubbish, and street sweepings.

Garbage consists of organic waste or residue of animal, fruit or vegetable matter or any other

substance used in the preparation, cooking or dealing in meats, fruits and vegetables. As it is made up largely of water and putrescible organic matter, it is subject to rapid decomposition and capable of becoming very offensive.

Ashes constitute the waste or residue due to the combustion of coal or other combustible materials from dwellings, business places or factories. Ashes consist of fine ash, cinders and clinkers, and unconsumed fuel.

Rubbish is discarded material produced in the household and places of business and which cannot be classified as ashes or garbage. It includes such things as waste paper, boxes, packing materials, old shoes and clothing, bottles, crockery, tincans and metal scrap, and other like waste material.

Street sweepings constitute the waste materials which are collected from the streets, roads and sidewalks. From well paved streets they consist largely of manure, waste paper, leaves, etc., while from unpaved streets they contain large quantities of inorganic matter. Street sweepings often include materials which should be classified as rubbish.

Trade refuse consists of waste materials from building operations, commercial industries, business houses, factories, etc., as distinguished from household refuse.

Earth excavations and other wastes from building operations form a considerable part of city waste and, although their removal might be regulated, their disposal is not commonly undertaken by cities and towns. Stable manure is often included in the waste to be dealt with by the municipality, but is usually disposed of to farmers and gardeners under proper regulations and without charge to the municipality. The disposal of snow is an important problem in our larger cities and towns and is sometimes carried on in connection with the collection of the city refuse, but it does not ordinarily affect seriously the problem of city waste disposal.

QUANTITY OF CITY REFUSE PRODUCED

The average American community of usual mixed population will have a garbage output of from 175 to 250 pounds per capita per annum, varying with local surroundings. About 200 pounds per capita per annum, with due allowance for exceptional conditions, may be used as an approximate figure. An accurate report from four Ohio cities gives 190 pounds as the yearly average per capita.

The proportions of garbage vary greatly, and are governed by the character of the community, the effect of private collections, and the form of the prevailing fuel for houses. In the northern cities, where coal is used extensively, the percentage of garbage is fairly constant, and averages from 10 to 15 per cent of the total collection.

The quantity of ashes produced yearly in any community is controlled by the local conditions, such as the character of the population and the use of solid or gaseous fuels. In the northern cities the quantity of ashes usually collected amounts to from 70 to 80 per cent of the total collection. These quantities vary during the different months of the year; thus, the quantity of garbage is larger in the summer than in the winter and the ashes larger in amount in winter than in summer. Rubbish will vary in amount in much the same way as garbage, being greater in the summer than in the winter.

As a general rule, the total quantity of refuse to be disposed of during the summer is greater than in winter, and as a result of this variation, it is necessary that the organization maintained for collection and disposal be one that is flexible and easily adapted to the ever changing conditions. An analysis of the garbage collection in a city for even a short period of years usually indicates that the quantity collected from its several districts for different years is not a constant figure.

COLLECTION OF CITY REFUSE

The municipal cleaning department should be organized and operated in such a manner that it will obtain a regular collection, prompt removal, and a rapid final disposition of household refuse.

It must be fully recognized at the very outset that efficient work in the disposal of city waste materials cannot be accomplished without

the active co-operation of the general public. Every effort should be made by the proper city officials in an endeavor to obtain the co-operation of the people at large through the different civic and business men's associations, women's clubs, schools and any other organizations which would be instrumental in exerting any influence in creating an active interest at all times in the work. Circulars should be sent to each householder throughout the city containing important information and instructions designed to improve conditions with regard to suitable and uniform receptacles, the separation of ashes from rubbish and other matters in which the co-operation of the householder is required.

One of the most effective methods of reaching the householder is through the women's organizations. Through their co-operation the housekeeper may be shown how vital is her part in an efficient system of collection of all wastes.

To maintain successfully and efficiently the work of collecting municipal refuse, the regulations as to house treatment of refuse should be enforced. The householder should maintain proper receptacles and comply with the requirements of the city, according to the methods adopted or found most suitable.

To obtain the desired public support, the work must be systematized so that regular collections are made at stated intervals, and, so far as possible, the collections should be made at the same time each day, according to regular schedules. When the householders become accustomed to a systematic refuse collection service, they will depend upon the collector and more readily comply with the laws and ordinances.

An endeavor should be made in every way possible to reach the public in a campaign of education, for it is impossible for any municipality to maintain proper sanitary conditions unless the people of the city do their share, and no matter how well organized and how well the work is performed by the city, it can never be perfected unless the general public appreciates its importance as affecting the health of the community and the appearance of the city.

COLLECTION METHODS

The method or system adopted for the collection of refuse will depend on the conditions to be met, and its adaptability to the work to be

performed, from a sanitary and economical standpoint.

Irrespective of what plan is adopted for disposal, it is conceded that, from a sanitary standpoint, all waste should be collected and the results show that the best results are obtained when it is done at public expense.

* "The general practice in cities of the United States may be summarized as follows:

"1. Where the collection of garbage alone is made, the municipality is relieved of work that would be necessary if all classes of waste were collected, and the burden is placed on the individual householder. Where this plan is adopted it usually results in a large amount of ashes and rubbish being thrown on vacant lots or in alleys and streets. Where the householder hires a private scavenger to remove ashes and rubbish, it usually results in a greater cost than where the work is systematically done by the municipality at public expense. This method is only practiced in smaller cities, which have not realized the necessity of a regular and complete collection service, or cannot afford the cost thereof.

2. A separate collection of garbage, ashes and rubbish is the method practiced in many cities. Where this method is used, garbage is disposed of in the majority of cases by the reduction method, or burned in incinerators without being mixed with other waste. Incinerators for burning garbage are usually operated by supplying additional fuel to aid in combustion. Ashes, under these conditions, are usually disposed of as fill, and the rubbish sorted on dumps or in utilization plants, the residue being dumped or destroyed by incineration. In many cases, both ashes and rubbish are disposed of by dumping. Where both are disposed of by dumping, the separation is made to allow the disposal of ashes in places which are not suitable for mixed material.

"3. The separate collection of garbage and the combined collection of ashes and rubbish is used with nearly all methods of disposal, but is applicable in most cases to cities where the garbage is disposed of separately, and the ashes and rubbish disposed of by dumping.

"4. The separate collection of ashes and the combined collection of rubbish and garbage is adapted to cities where disposal of garbage and rubbish is made by incineration, and the ashes by

fill or dumping. In some cases a percentage of the ashes is added to the garbage to aid in burning the mixture.

"5. The separate collection of the furnace ashes and the combined collection of rubbish, garbage and stove ashes is used where disposal is made by incineration, the small amount of stove ashes being collected with other material to aid the combustion, the furnace ashes being collected separately and disposed of by dumping in fills.

"6. The combined collection of ashes, garbage and rubbish is used where the disposal of all waste is made by dumping or by total incineration.

"If all wastes are collected combined, as a rule the unit cost for collection will be less than if collected separately.

"Where separate collections are made there is a tendency to throw garbage into the ash receptacle or rubbish and ashes into the garbage receptacle. To obtain the desired separation will require the strict enforcement of ordinances as well as the regulations or rules of the collection department."

The garbage can and the household treatment of the garbage constitute one of the most important and at the same time most neglected phases of the garbage disposal problem. A municipal regulation of household treatment is limited to the garbage can, its condition and its location. Ordinances regulating the disposal of garbage usually require the use of a galvanized or other metallic can provided with a cover and of such form that it may easily be kept clean and easily handled by the collector.

The householder is at liberty to choose his own can except in a few cases where municipalities have adopted an official can, where both the can and garbage are collected. The can should be of metal, water tight, have a closely fitting cover and be of a size convenient to handle. The garbage can should be so located that it is convenient for the collector, for it is the location of the can that determines to a large degree the speed with which garbage collections can be made. A great amount of time may be lost if the collector has to go to inconvenient places in making his rounds.

A number of cities are adopting the method developed in Minneapolis a few years ago of requiring the householders to drain garbage of all

moisure and wrap it in paper before placing in the garbage can. This keeps the can clean at all times and prevents the garbage freezing in it in cold weather and from sticking to it in hot weather.

In order that collections may be made efficiently and in a sanitary manner, the type of wagon used must be carefully and selected. Wagons which fulfill all the requirements are made of steel, are water tight, have close fitting lids and may be of the dump wagon type. Such wagons may be purchased from the makers at prices ranging from \$150 to \$275, depending upon the type and size. The wagons are drawn by one or two horses, the number depending upon the size of wagon adopted, the rate which the garbage is collected and the topography of the district served.

Wagons for the disposal of rubbish need not necessarily be covered as the material is usually dry and the omission of the cover permits of carrying a larger quantity of refuse without overloading in weight.

COST OF COLLECTION

In the collection of municipal refuse there are a number of items that must be considered in estimating the cost. The two principle items are:

COST OF LOADING AND COST OF HAUL

The cost of loading will depend on the following: Whether the waste is collected separately or combined. Frequency of collection, and character and congestion of population.

The cost of haul will depend on the capacity of wagon, rate of travel and grades, pavement, traffic obstruction and day or night work.

The cost of collection in many cases is paid by the city out of its general funds, while in other cases the householder is charged a certain amount for this service. For example Madison, Wisconsin charges the householder \$3.50 per year for collection of garbage. Council Bluffs, Iowa, furnishes twenty coupons for \$1.00, each of which entitles the holder to have one five-gallon can of garbage removed.

METHODS OF DISPOSAL

The various methods that may be adopted for the disposal of city refuse may be enumerated as follows:

- I. Feeding to Swine.
- II. Dumping on Land.
- III. Dumping into Large Volumes of Water.

IV. Disposal by Sanitary Fill.

V. Burial.

VI. Incineration.

VII. Reduction

I. FEEDING TO SWINE

This method applies particularly to the feeding to swine of the fresh garbage, unmixed with any other form of refuse. It is a primitive method and one which is very commonly followed in the smaller cities and towns.

It is necessary that the garbage be placed in receptacles reserved especially for it and collected at regular intervals while it is fresh. This is a condition which is difficult to obtain when the city attempts to make its own collection, as it is difficult to obtain the necessary co-operation in order that the garbage may be disposed of while in a fresh condition and still suitable for feeding to swine. The only advantage which may be stated in favor of this method is that it probably costs less, under the existing conditions about most of our cities, than any other available method. The following quotation taken from the annual report of the Massachusetts state board of health for 1909 is of interest in showing the attitude of that board on this method of disposal.

"It is objectionable and unsanitary in the extreme, as health authorities are constantly pointing out, but without sufficient support from municipal government or public opinion to secure a satisfactory change. Prominent among the objections to this method of garbage disposal are the great nuisance it usually creates and the uncertainty of its operation. Where garbage is disposed of by feeding to swine, it not infrequently happens that an epidemic among the pigs destroys great numbers of them in a short time, and the garbage accumulates and must be disposed of by some temporary means hastily devised—usually by dumping it into some adjacent water or on the most readily available land, with more or less objectionable results. Difficulties of this sort also not infrequently interfere with the regularity of the collection of these wastes, with the result that they are left to decompose in the neighborhood of dwelling houses. Of the great nuisances caused by piggeries where large quantities of municipal garbage are used, no description is necessary, and in many cities and towns such places are not tolerated, one of the conditions commonly imposed on the collector of garbage

being that it shall be removed beyond the limits of the municipality.

Aside from the nuisance which piggeries create, one of the most serious objections to them is the fact that they are breeding places of myriads of flies and other insects, and they are very often the home of great numbers of rats, which at times infest the neighboring buildings and dwellings. The danger from flies, as carriers of disease, is well known, and it has been determined that rats and their attendant parasites are probable agencies in the spread of the plague."

II. DUMPING ON LAND

All the classes of refuse as previously outlined may be hauled and dumped on waste land. The land used for this purpose should be located at a remote distance where the decomposition of any part of the refuse would not be offensive to neighboring property owners. The dumping of garbage on land is objectionable, and especially so where there are large quantities to be disposed of. When the garbage is deposited in sufficient quantity, fermentation and decomposition will give rise to offensive odors. When a sufficient quantity of ashes and rubbish is mixed with or used to cover the garbage, disposal may be had by dumping in remotely located places, and if properly attended to, should not create a nuisance. If special attention is given to the treatment of the dumps, ashes and rubbish may be disposed of by dumping if they are thoroughly mixed. Unless a thorough mixing can be had, the dumps are liable to fire and create odors and cause a nuisance from smoke and unconsumed gases.

Dumps where ashes and rubbish and other refuse are deposited are not only unattractive in appearance, but are detrimental to the health of those living in the immediate vicinity, and as the city grows, it usually becomes increasingly difficult to find locations where these dumps can be maintained without incurring the objections of those living in the neighborhood.

III. DUMPING IN LARGE BODIES OF WATER

Practically all forms of refuse may be dumped into a large body of water, such as a large stream, lake or ocean. This method is based on the principle that the water will dilute and make harmless any material which will float and heavier articles will sink without interfering with navigation or otherwise becoming a nuisance. This method has been prohibited in many cases

on account of the material being washed onto the neighboring shores. A number of cities have followed the practice of using boats for the removal of refuse to safe distances from the shores, but as a rule this method is prohibited from the standpoint of expense. In practically all cases it is the cleanest form of refuse which sinks and the foulest which floats. It is principally because of this reason that this method cannot be recommended. This method of disposal by cities on the Mississippi river has recently been stopped by the United States government.

IV. DISPOSAL BY SANITARY FILL

This is a method which heretofore has been practiced in only a few cities, but it is now being given more serious consideration than heretofore, even by some of the largest cities in the country.

Disposal by sanitary fill should be distinguished from disposal by dumping. It is usually carried on by the filling in of excavations, natural ravines and other low places where the creation of "made ground" may be made an asset to the municipality. This method consists of dumping the garbage onto low ground, spreading it and then covering it in layers with a sufficient quantity of ashes, street sweepings, building excavations and other similar materials. It is desirable that a sufficient quantity of earth should be mixed with the refuse to insure oxidation, and thorough digestion of the garbage or other decomposable wastes. This method of disposal when properly performed is effective, cheap and successful in practice. The principle upon which the method rests lies in the activity of the bacteria of the soil. This activity results in a mineralization of the organic matter and when conducted in the presence of sufficient air or oxygen, no putrefactive or other odors are produced. In order that the method may be followed out with success, the following conditions must be observed.

The garbage must not be buried so deep that bacterial activity is reduced, nor must the garbage be spread in a thick layer on the surface of the ground.

The ground used should be sufficiently open and drained so that the air can penetrate.

The garbage must not overload the soil, but must be sufficiently diluted with earth, ashes or rubbish so that purification may take place, due to the presence of an ample supply of air in the

pores of the soil.

The method of "sanitary fill" is used with success in a number of cities, among them Davenport, Iowa; New Orleans, La.; and Seattle, Wash. At New Orleans, the dumping grounds are seeded as soon as sufficiently filled area is available and later trimmed and planted for use as small parks and playgrounds.

By adopting this method the city of Davenport has also made a good start toward creating a river front that will be of immeasurable value to the city. At Davenport the garbage collected by the city wagons is hauled by nine one and one-half yard wagons six days per week during the heavy season and by seven wagons five days per week during the winter. The garbage is received and buried by one foreman and three men in summer and by one foreman and one man during the winter months.

At Seattle there are eleven fills distributed over the city which are taken care of by eleven laborers disposing of approximately three hundred and fifty tons per day by this method alone, while one incinerator with about an equal pay roll disposes of sixty to seventy-five tons per day, running twenty-four hours.

V. BURIAL

The burial method applies more particularly to garbage than to the other classes of city refuse. By this method garbage is buried in shallow trenches where it digests and is thoroughly taken up or oxidized by the action of the soil. It has been found where this method has been used after a period of about three years the garbage will become humus and shows no resemblance to what it was in its original state, and the land can be used over again. Burial of garbage may also be obtained by plowing it into the soil after it has been spread evenly over the surface of the ground. The method may be considered as a sanitary form of garbage disposal, but where large quantities of garbage must be disposed of, such as may be produced in our larger cities, the amount of land required would become excessive.

VI. INCINERATION

Incineration consists in the disposal by burning by fire of all forms of refuse that may be combustible. This system involves the construction and operation of a specially built plant for the purpose. It is difficult to dispose of garbage alone in such a plant unless the garbage has been

well drained of any excess moisture that may be present and unless some form of fuel is consumed with it. It, however, has the advantage over other methods in that almost all forms or classes of refuse may be disposed of by the one process. When rubbish, street sweepings and the more combustible part of ashes are mixed with garbage, the whole mixture becomes self-combustible. A revenue to meet part of the cost is sometimes secured by utilizing the heat derived from incineration for the generation of steam and power and using the clinkers and ashes for filling.

The capacity of incineration required for any community depends upon the quantity and quality of the refuse collected and these in turn depend to a large degree on the climatic conditions, character of the population and habits of the people. The various incinerator companies usually estimate the capacity of plant needed at about one ton per day per thousand people. The construction of incinerators will be usually found to cost from \$700 to \$1,200 per ton capacity per day. The costs of operation vary from city to city and in any particular city, from month to month, according to the season of the year. Including all interest, depreciation and fixed charges as well as operating expenses, the costs of incinerating garbage will average from \$1.50 to \$2.75 per ton. The State Board of Health of Ohio, for example, found that in Canton the cost of incineration per ton ran from \$1.97 to \$2.50; in Marion \$2.00 to \$2.66; in Steubenville, \$1.00 to \$1.84, and in Zanesville, about \$2.85 during a period of seven years.

There probably has been as many as three hundred different installations of incinerators made for municipalities in this country, varying widely in design. Of this number the greater portion have been permanently discontinued after a short period of operation. This result is due to a large number of experimental incinerators and to a lack of appreciation on the part of their builders of correct principles in the design of the furnaces. In other cases, incinerators have been abandoned because they have been operated by incompetent employees, who, because of their lack of fitness for the work, have destroyed the usefulness of the plant. In many cases, sufficient study has not been made of the conditions that affect the problems, and the result has been the adoption of methods that were not suited to the

conditions as they really existed. In order to obtain best results, it is necessary that the conditions must be known in advance and the work planned in accordance with them.

VII. REDUCTION

The reduction method is one which is used principally for the disposal of garbage and dead animals. The garbage is broken down by means of heat and the by-products are recovered and disposed of for commercial purposes and thus reduce the cost of disposal. The garbage is first cooked in closed tanks or digestors for a period of several hours for the recovery of grease, which may be sold for various purposes at prices ranging from three to five cents per pound. The quantity of grease that may be recovered from the average city garbage may amount to sixty pounds or more per ton of garbage, but usually there is a considerable variation in this item. After cooking and recovery of the bulk of the grease, the residue or tankage is then pressed for the removal of moisture and residue grease and after drying and grinding is sold for fertilizing purposes. In quantity, it may amount to from two to four hundred pounds per ton of garbage treated, and when ground and dried may be worth about \$2.00 per ton.

The reduction process is used chiefly in cities having a population of 100,000 or more and from which there may be received not less than 75 tons of garbage per day. The reduction process involves the use of much, patented equipment and the works are usually operated by private companies under contract with the city. In a few cases, however, such a plant is owned and operated by the municipality, notable cases being the cities of Cleveland and Columbus, Ohio. The cost of a reduction plant for such cities will range from \$1,500 to \$3,000 per ton of daily capacity.

The successful operation of a reduction plant is dependent upon a very efficient technical administration. It is extremely difficult, if not impossible, to prevent the emission of objectionable odors in such a plant, and the fact these plants are usually located on the extreme outskirts of the city being served, is an admission of the nuisance liable to be created.

APPLICATION OF THE VARIOUS METHODS OF WASTE DISPOSAL TO IOWA CONDITIONS

In arriving at a conclusion that will warrant

the adoption of any particular method or a combination of different methods for the disposal of municipal wastes, it is found as a general proposition that the population of a city, under average economic conditions, serves as a basis to determine the kind and number of methods to which the general problems may be reduced for detailed study.

In applying the above discussed methods for the disposal of city refuse to the cities and towns of the state of Iowa, using population only as a guide, it is believed that the methods discussed under the heads of disposal by sanitary fill and by incineration are the most applicable. Des Moines is probably the only city in the state where the reduction process may be seriously considered as part of a general refuse disposal system.

NEW PAVEMENTS FOR OLD

Under this title The Barber Asphalt Paving Company (Philadelphia) has issued a pamphlet on the resurfacing of old pavements with sheet asphalt and asphaltic concrete. The best methods to be followed and the pitfalls to be avoided in work of this kind are clearly pointed out. It is declared to be "the worst kind of waste to throw away an investment in old brick, concrete or even macadam highways when these can be used as foundations for new pavements."

TRIAL BY JURY

"Gentlemen of the jury, are you agreed upon your verdict?" asked the judge presiding over a Texan court.

"We are," responded the foreman.

"Do you find the prisoner guilty or not guilty?"

"We do."

"You do? Do what?" exclaimed the startled judge.

"We find the prisoner guilty or not guilty," answered the foreman.

"But, gentlemen, you cannot return a verdict like that."

"Wal, I don't know," the foreman replied. "You see, six of us find him guilty and six of us find him not guilty, and we've agreed to let it go at that."—New York Times.

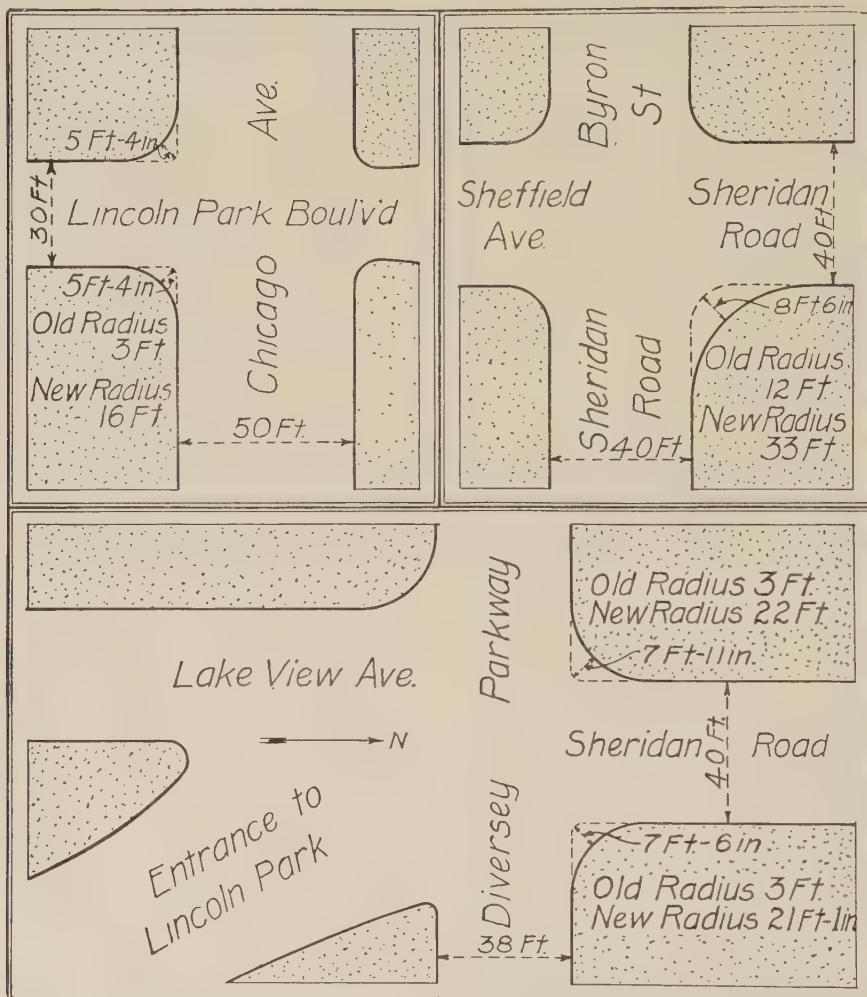
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Safety First at Street Intersections

By George T. Donahue, Chief Civil Engineer, Lincoln Park System, Chicago

The steady increase of traffic on the boulevards of the Lincoln Park system has given the commissioners of Lincoln Park (Chicago) a great deal of concern. The greatest congestion of course, has been at intersections and places where the traffic made an abrupt change in direction. Most of our boulevards were at one

apparent oversight may have been intentional, because at the time of rebuilding the wearing surface of the pavement horse-drawn vehicles were still very much in use. The conditions of today, however, where over 95 per cent of the vehicles on our boulevards are motor-drawn, are such as demand a readjustment of the curves of



time city streets. They were laid out before the advent of motor vehicles. When the automobile arrived the type of pavement was changed to meet the new conditions. When this rehabilitation was in progress the curvature of the curbs at intersections was completely over-looked. This

the curbs. The original curbs usually were built with a 3-foot radius. They were designed to take care of vehicles with wheel bases as low as 54 inches moving at a speed of about 3 miles per hour on the turns. Today, we must provide for automobiles with wheel bases in excess of 140



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Installer

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inches moving at a speed of something near 10 miles per hour on the turns. It is almost physically impossible for a long-base automobile to turn a 90-degree corner at a fair rate of speed when the radius of the curb is 3 feet without getting on the wrong side of the street. This is dangerous. On the other hand if vehicles are to be compelled to slow down to a snail's pace in making turns, congestion of traffic will follow. With curbs built as they are at present a long-base vehicle in turning a corner must either start to turn near the crown of the road and finish close to the curb, or start close to the curb and finish near the crown. In the first case the line of traffic is crossed. In the second place it is interrupted. Vehicles are compelled by law to slow down when making turns. The place for a slowly moving vehicle is close to the curb. It should be kept close to the curb during the entire time it is making the turn:

I believe that we can eliminate the above objectionable conditions by increasing the radii of the curb corners to correspond with the character of the present traffic. Just what radius should be used will be governed by local conditions. However, I would like to see a minimum of 12 feet adopted where the pavement is 40 feet in width. If this is done it would be a good step toward "Safety First."

While most of my observations have been confined to the Lincoln Park boulevards, I believe that the traffic in the down-town streets could be moved much more quickly if the radii of the curbs were substantially increased.

The accompanying drawings show the changes in the radii of the curb corners that have been made on our boulevards during the year 1915.

AN INTERESTING BOOK FREE

"The Asphalt Primer and Colloidal Catechism" issued by The Barber Asphalt Paving Company (Philadelphia) contains in question-and-answer form an easily understood explanation of the principles of colloidal chemistry as applied to the paving industry. An asphalt mixture, it is explained, must be regulated on the basis of the relation of surfaces and films. The presence of colloidal matter such as has been discovered in Trinidad asphalt enormously increases the surface area of the aggregate and

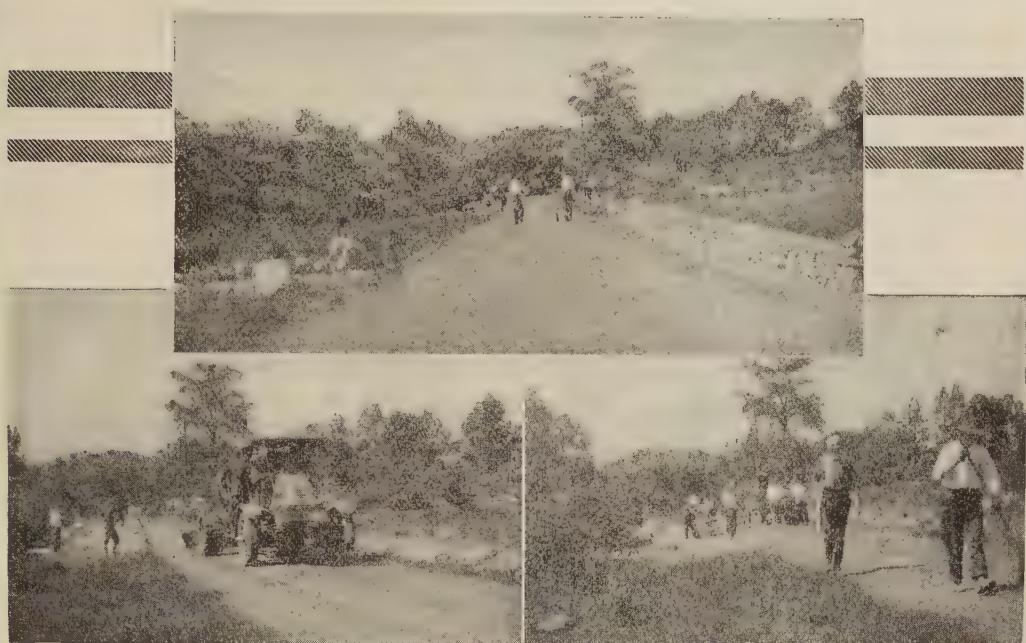
results in a more closely held and thicker film of bitumen about the particles of the aggregate. In this way is explained the "body" of Trinidad asphalt and the toughness and stability of mixtures in which it is the cement agent. The Primer is a replica of one of Benjamin Franklin's publications and is illustrated with wood-cuts of ancient and modern highway building. You can get a copy free by mailing a post card to the company.

COMPETITION IN PATENTED PAVEMENTS

The Appellate Division for the Fourth Department of the New York State Supreme Courts, sitting at Rochester, has just affirmed the recent opinion of Judge William W. Clark in construing the provisions of the Charter of the city of Rochester, which by its terms permits a majority of the property owners owning not less than two-fifths of the feet frontage "at any time within one week after the ordinance for the improvement takes effect to present to the Board of Contract and Supply a petition or other writing designating one of the materials specified by the Common Council as the material to be used in constructing the pavement, but may not designate therein any particular kind, make, style or brand of material." The court held that where under such a provision the owner of a patented pavement files with the city authorities a license mixture agreement proposing to furnish material to be used in that portion of the pavement covered by the patent, at a fixed price, all the competitive bidding which the law requires for the laying of a patented pavement is provided and that the filing of such a proposition by the owner of the patent broadens instead of lessens competitive bidding, and that the Bitulithic pavement, being protected by letters patent, is a separate and distinct kind of pavement and is a particular make, style or brand of material.

A PRIVATE SEWER SYSTEM

Most people never think of a sewer system as a possible franchise utility but a recent case in 96 Atlantic Reporter, deals with the efforts of the Borough of Hanover to purchase the sewer system of the Hanover Sewer Company. The court considered the going value of the sewer system and also the franchise value, but in this particular case held that neither of them were of any particular value.



The Good-roads "Bee" at Cragmere was a community affair.

A "Tarvia Day" at Cragmere

CRAGMERE is a little colony in the Ramapo Mountains of Northern New Jersey with two or three miles of roadway which are maintained by the residents. The roads were built five years ago with Tarvia, some of them having been treated with Tarvia about two years later.

This year it was time to treat the roads again. So a contractor was ordered to put the new screened gravel in piles along the road and the Tarvia auto tanks were summoned. Forty residents of Cragmere put on their old clothes on Decoration Day, and turned up, ready for work.

Within two hours they had swept three-quarters of a mile of road and the big tank automobiles were spreading the Tarvia. Then they spread the gravel over the Tarvia and the work was done.

At the end of the day they found that a mile and a half of steep mountain roads had been thoroughly tarviated and put into condition for two years of hard service at a total cash outlay of about \$300. Incidentally they

had a fine time. The whole story goes to show how cheap and easy maintenance becomes if a community adapts tarviated roadways.

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PEBBLES AS CONCRETE AGGREGATE

If the crimes against concrete practice could be classified, no doubt the majority of them would be listed in the column set aside for faulty aggregates.

An examination of standard dictionaries, textbooks in which definitions of materials may be found, and of specifications, will show a wide variation of practice in defining sand, gravel and boulders. Some dictionaries define gravel as a material free from a content of rock particles below a certain dimension, while others consider such particles as in part composing gravel.

Definitions fail to be uniform in fixing a line of demarcation that limits particles of gravel to certain maximum and minimum sizes; also in suggesting the cleanliness and uniform grading that standard specifications recognize as essential to coarse aggregate for concrete work. Confusion of "authorities" allows gravel to consist of particles ranging from 1-10 of an inch in smallest dimension to rocks or boulders.

Specifications no doubt owe their existence to a necessity compelled by faulty and conflicting definitions; yet good as the best specifications are, they do not always impress concrete workers with the fact that "gravel" means something entirely different from ungraded material coming from a natural sand deposit.

There should be no excuse for variations of individual interpretations. But as such variations exist, there is urgent need that the idea of maximum and minimum sizes for the particles of coarse aggregate be, if possible expressed by a word which will also suggest the necessity for preparing the material to insure cleanliness as well as uniform grading. One word seems to have been overlooked, a word which takes one away from the thought of fine material, suggests cleanliness, and conveys an idea of limitation as to maximum and minimum sizes.

Pebbles, in the minds of most people, are clean rock particles made so by attrition in streams or otherwise. If in specifying gravel as coarse aggregate, "pebbles" ranging from a certain minimum to a certain maximum were specified, the idea of cleanliness and freedom from particles below and above certain sizes would be implied at once. Such material being unobtainable in a natural deposit would necessarily have to be prepared by screening or washing, or

both, thus rendering the material fit for use as coarse aggregate.

Why "gravel"? Why not "pebbles"?—Universal Bulletin

PAVING

Sealed proposals will be received at the office of the City Clerk, Clinton, Iowa, until eight (8) o'clock p. m. on the 8th day of February, 1916 for a street improvement consisting of the following approximate quantities;

6,121 lin. ft. combined curb and gutter
1,246 lin. ft. of plain curb
22,246 sq. yds. of vitrified block paving
Certified check on a local bank \$5,000.

Plans, specifications and forms on file with the City Clerk or City Engineer.

Frank W. Leedham,
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J. G. Thorne, City Engineer,
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Our highway book gives costs, itemized proposals and photographs of roads and streets built with Atlas Portland Cement. A copy and standard specifications free upon request. Tell us cost of sand, gravel, stone, unskilled labor in your locality; we will furnish cost estimate free.

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Build Maintenance Into Road

Published By Detroit Board of Commerce

Road building vitally concerns every taxpayer and every automobile owner. A right policy makes the road tax productive. It satisfies those who pay and those who use. A faulty policy antagonizes both.

There are two alternatives in road building;

1. To build at low initial cost a road that requires periodical maintenance, aggregating in a few years time more than the original cost.

2. To build at greater initial cost a road whose maintenance is almost negligible.

The first road is in good condition for only a portion of the period between times of repair, representing perhaps 60 per cent of maximum efficiency.

The second, requiring only attention to minor faults which do not affect at all the smoothness of travel, offers 100 percent efficient service —365 days of every year.

The first permits greater initial mileage but heavy annual maintenance charges eventually prevent new roads being built, as road funds must be used to keep the original mileage in passable condition, leaving little for new work.

The second requires a little greater investment and therefore heavier interest charges but a fraction of the maintenance charges on the cheaper road—leaving a generous share of the annual road appropriations for new work. This is building the maintenance into the road.

Building roads that are not permanent with long term bond issues is an economic blunder. The roads are gone while the bonds still demand annual payment of interest and eventual refunding by a generation that has received no benefit. If, thru costly maintenance, they have been kept in reasonable condition, the total of initial cost, interest and maintenance is too great, and the burden of refunding has been passed on to a generation already burdened by excessive maintenance.

Permanent roads built by bond issues maturing within the reasonable expectancy of life of the road, represent least cost to the taxpayers, at

five, ten or twenty years. Each year of road service is paid for in that year.

Maintenance, the heaviest expense with the cheaper type, has been built into the road.

Wayne County, Mich., is spending annually an average of about \$30.00 per mile to maintain the surface of its 128 miles of concrete roads, some of them in their seventh year of service. Auto traffic is exceedingly heavy.

Certain Eastern states whose policy was in the past to build impermanent roads are spending \$500 to \$1,000 per year per mile to keep those roads passable. Without this costly maintenance, the heavy automobile traffic would soon make them impassable.

Wayne County can continue to extend its county road system until every farm has a smooth highway to market and every point of interest made accessible to Detroit tourists. Whenever the interest on bonds plus the annual refunding charges reach an amount beyond which further investment in new roads will not give proportionate benefits, then new work will stop.

Communities which have a big proportion of impermanent roads are helpless. The roads must be maintained and the costs are rising steeply as auto traffic increases. Maintenance is even now being paid out of the proceeds of bond issues which should go only for new work. But it is significant to note that the new construction is with more permanent materials.

A PLAIN CONCLUSION

The plain lesson for communities having heavy traffic is to build permanently. It is better to add a small annual mileage of low maintenance roads than to gamble with the future on a less satisfactory type. It has already proven costly.

Earth and gravel roads have their place as feeders to the main highways and for districts too sparsely populated to finance better construction. Light traffic does not demand more.

But where traffic is heavy and the community demands good roads it is economic wisdom to build permanently—a blunder to build less well.

For permanence means least cost.

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Absolutely Odorless

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Be sure to write for detailed information.

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Keeps Flies Away

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Each member of the American, Iowa, Nebraska, Kansas or Minnesota League, may run one advertisement each month free of cost.

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WANTED—A position as waterworks superintendent. Practical and technical training. Pumping machinery expert. Reference. Address American Municipalities.

WANTED—The town of Malvern, Iowa is considering installing electroliers—Information wanted. S. J. Clark, Town Clerk.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Swea City, Iowa.

FOR SALE—Blue printing machine, 42 inch, with automatic washer and drier. Please make. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—Village hook and ladder truck, fully equipped. C. J. Duff, City Clerk, Council Bluffs Iowa.

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—Heller & Brightly transit, full circle, stadia cross-hair, also level, same make, like new, at a bargain. Other instruments in stock, new and second hand. Transit and level repairing. O. Griner, 214 E. Tenth street, Kansas City, Missouri.

FOR SALE—The incorporated town of Milford has for sale 1 Davis carbide feed acetylene gas plant in perfect condition. Model B generator 75 pound capacity. 23 burners with fixtures. 150 feet $\frac{1}{2}$ inch pipe. Will sell at a sacrifice. For information write J. E. Shelledy Clerk, Milford, Iowa.

FOR SALE—Six gasoline street lamps in good working order, will sell cheap as have installed electricity. Write for information to J. J. Hamilton, Town Clerk, Epworth, Iowa.

FOR SALE—“The city of Oskaloosa, Iowa has for sale one Studebaker Pneumatic street flusher, one team of gray horses, two sets of harness, one patrol wagon, one fire wagon; all in good condition. The flusher has not been used very much. Our reason for selling is that we are motorizing the entire police and fire department. Make us an offer.” T. H. Carlin, City Clerk

FOR SALE—The city of Fort Dodge is contemplating the equipping of its fire department with motor apparatus. On this account we have for sale; one horse drawn hook and ladder wagon with extension ladders; two combination chemical and hose wagons, capacity of 1,000 feet of $\frac{1}{2}$ inch hose; one police patrol wagon; two exceptionally good teams well broke for fire or police service. Will sell any part or all of this equipment. If interested write W. L. Tang, City Clerk, Fort Dodge, Iowa

FOR SALE—Gurley Transit, \$85. Keuffel & Esser Transit, \$110. Stierer Transit, \$100. Levels \$45 up. All in first class condition and guaranteed. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—Dean Steam Duplex Fire Pump 14 inch steam cylinder, $8\frac{1}{2}$ inch water cylinders, in good condition, price \$400.00. E. C. Smith, Clerk, Town of Bonaparte.

FOR SALE—One two-horse hose wagon, capacity 1,000 feet $2\frac{1}{2}$ inch fire hose. C. J. Duff, City Clerk, Council Bluffs, Iowa.

FOR SALE—18 horse power Watrous fire engine, good as new, complete with 30 foot 4 inch suction hose, same being replaced by high pressure water system. Write or wire at once, for full particulars. Russell E. Whipple, chief, fire department. Lehigh, Iowa.

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FOR SALE—Forty gallon chemical carts for small cities and towns and three gallon hand chemicals for stores factories etc. Write for catalogue and prices Municipal Supply Company, Marshalltown, Iowa.

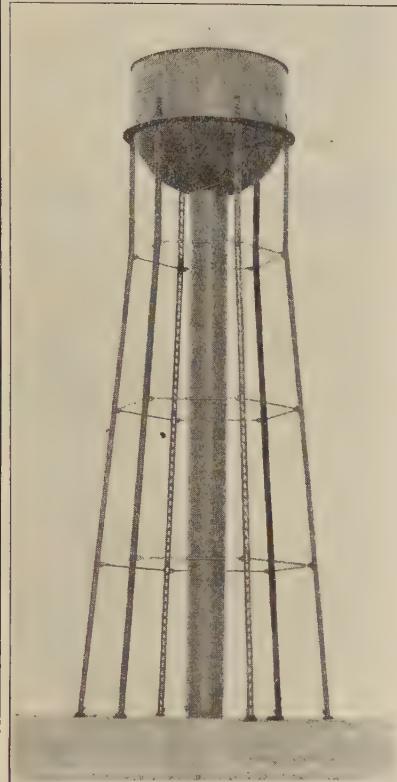
FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk.

FOR SALE—Two Cook Deep well pumps with 400 feet casing and 400 feet of wood rod. 1 No. 300 18 or 24 inch stroke 4 inch cylinder. 1 No. 159 12 or 18 inch stroke $3\frac{1}{2}$ inch cylinder. Line shaft and pulleys. All in fine condition. Address town of Milford, Iowa. J. E. Shelledy, Clerk.

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FOR SALE—Two Duplex Knowle pumps, one 10 inch by 12 inch double acting; one 6 inch by 12 inch double acting; both geared 4 to 1. Will pump against 100 pound head. For further particulars address W. S. Beattie, City Engineer, Charles City, Iowa.

FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Delevale Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.



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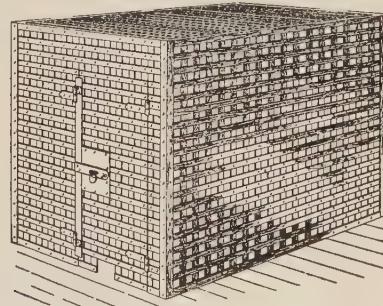
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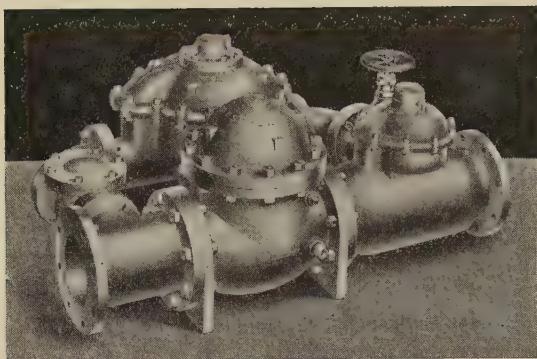
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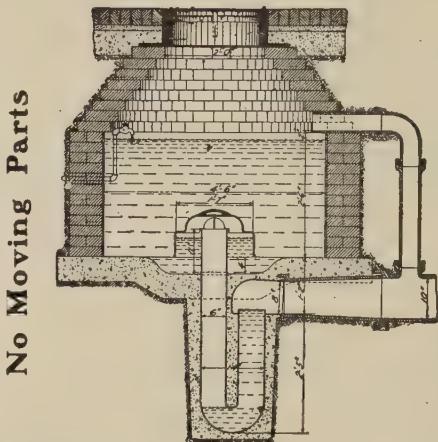
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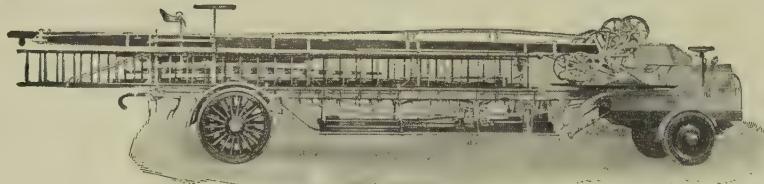
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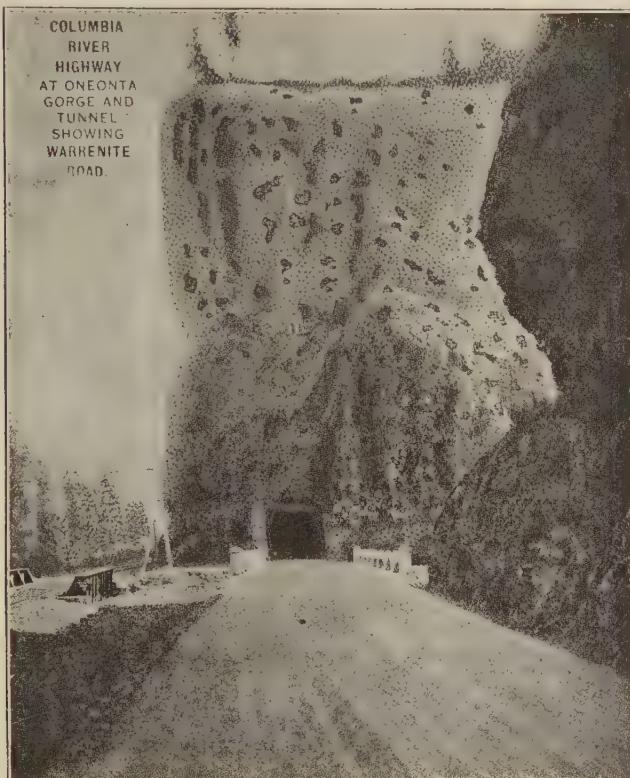
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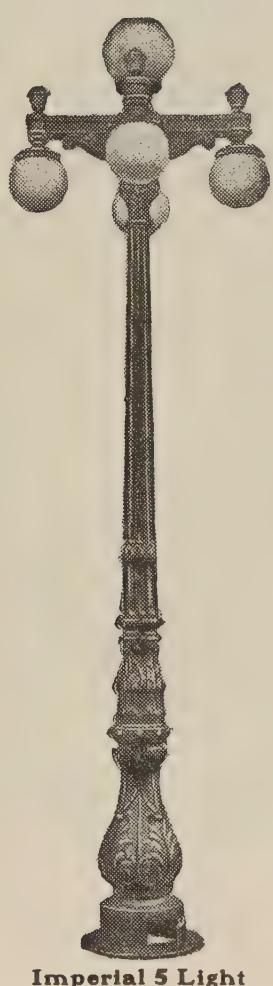
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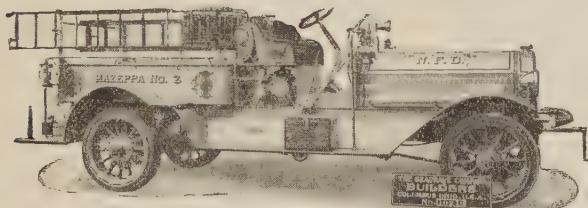
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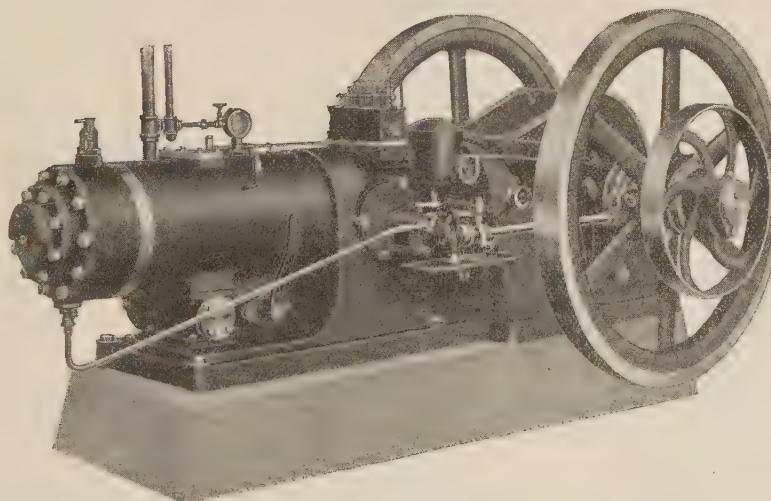
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American Municipalities

March, 1916

Vol. 30, No. 6

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

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President, Dr. J. F. Cole, Mayor, Oelwein
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Frank G. Pierce, Editor

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COMMENT

Every Iowa official should read the papers in this issue by Mayor Hanna and Hon. D. E. Stuart.

These papers show the need of Home Rule for the municipalities of Iowa.

Remember that at the Council Bluffs convention, the League of Iowa Municipalities decided to limit their legislative program to the request for Home Rule.

We cannot secure a law of this kind unless the members of the legislature are favorable and now is the time to find out just how each candidate for legislative honors stands on this question.

Do not let minor issues control your selection but support only those candidates who are in favor of granting the municipalities more local authority.

The chances are ten to one that when a candidate opposes Home Rule he is in favor of the corporations, because the only opposition to the Home Rule bill in the last legislature come from the corporations.

The paper on the Mason City Liquor Censor in this issue is of interest to every municipal official and the adoption of this or some similar plan by the police departments will solve, to a great extent, the liquor question.

Nebraska officials will be interested in the report of their Secretary-Treasurer and the annual address of their President published in this issue.

Other papers presented at the Nebraska meeting will be published in the succeeding issues.

Complaint is sometimes made that the officials do not receive American Municipalities but if the clerk will at once report to the secretary any changes made in the officials the right ones will receive the magazine and there will be no complaint.

Every municipal official should spend part of his time in the study of municipal questions. The man who thinks he knows it all is a certain failure as an official.

The people are entitled to the service they pay for and the municipal official who draws a salary and does not give his time is just as dishonest as though he took the money out of the individual taxpayers pockets.

Clippings From Rate Research

State v. Independence Gas Co. et al. Decision of the Supreme Court of Kansas. October 1, 1915. 152 Pacific 22.

The court holds that receivers, properly appointed by a court of competent jurisdiction, in possession of and operating a public utility in the state, are under the control of the public utilities commission in the same manner and to the same extent as the owners of the utility would be if they were operating the utility. The commission, and not the court appointing the receivers, has the power to fix rates.

"The commission is the body authorized by law to say in the first instance, what rates are legal and will not violate constitutional provisions but the courts must finally say whether or not the rates fixed are illegal or do violate such provisions. The one function is legislative, while the other is judicial. The commission cannot invade the field occupied by the court; neither can the court invade the field occupied by the commission. The commission must act first, and the courts afterward".

CALIFORNIA

City of Santa Monica, Application for an Order Determining the Just Compensation to be Paid for the Property of the Irwin Heights Water Company. Decision of California Railroad Commission, Fixing the Value of the property. June 30, 1915.

In determining the amount to be paid by the city for the taking over of the property of the Irwin Heights Water Company, the commission said:

"As has frequently been said by this commission in these condemnation cases, the public can afford to be generous when it takes public utility property from the owners thereof. The railroad commission generally finds a value in these cases somewhat in excess of the value which it could allow in rate making cases, and the finding in this case will not be an exception to this rule."

ILLINOIS

Polo Mutual Telephone Company, Appli-

cation for Authority to Change Rates. Decision of the Illinois Public Utilities Commission, Granting an Increase in Rates. December 23, 1915.

"It is conceded by counsel in this case that cities and villages in the state of Illinois do not possess legislative power to prescribe and fix reasonable maximum telephone rates. It is contended, however, that such rates can be fixed and established by a contract entered into between a city and a telephone company, and that when so established such rates cannot be changed by this commission. In other words, the contention appears to be that cities and villages in this state have the right to contract with public utilities in regard to the rates to be charged by such utilities and that when such contracts have been made they are binding upon the state.

"The law is well settled that Congress or a state legislature, within their respective jurisdictions, has power to regulate common carriers and other public utilities, and that such power cannot be destroyed or limited because the regulation may to some extent affect the power to contract, or even existing contracts. In other words, that one whose rights, such as they are, are subject to state regulation, cannot remove them from the power of the state by making a contract concerning them. Louisville and Nashville Railroad Company v. Mottley, 219 U. S. 467; Hudson County Water Company v. McCarter 209 U. S. 340, 357.

"It is contended, however, that a different rule applies in this case because the contract in question is with a municipality. If this contention is correct, the state's power of public utility regulation depends upon the character of the customer with whom the utility has contracted. The courts have repeatedly held that unless there has been an express delegation of the power to a municipality to regulate rates, the power remains vested in the state, which can exercise it at such times and to such an extent as it may find necessary. Home Telephone and Telegraph Company v. Los Angeles, 211 U. S. 265.

"If it be contended that the so-called contract entered into between the city of Polo and the telephone company in this case was valid when made, it cannot be said that such a contract stands on any different or higher basis than one made by an individual or a private corporation with a public utility for the service or products of the latter. As we have stated above, such contracts must be presumed to have been subject to the continuing governmental power of the state to regulate and supervise all such agreements. Home Telephone and Telegraph Company case supra. City of Manitowoc v. Manitowoc and Northern Traction Company, 145 Wis. 13; Wyandotte County Gas Company v State (Kan.) 231 U. S. 622."

GET BUSY

A number of the cities and towns are already letting the contracts for the next seasons improvements, and these municipalities are getting the benefit of low prices as the result of strong competition. Most of the municipal officials, however, are putting off the work of preparing resolutions and their cities and towns will be the goats. The bids for public improvements gradually increase from this time on and the later in the season the contract is let the higher price the people will pay. It is a pretty good test of official efficiency to note when the contracts are let and you can be pretty sure that where contracts are being let now they have efficient officers and where they are let next June and July they have inefficient officials. Every municipal officials should get busy and give the people something for the salary they are receiving.

STATE UTILITY COMMISSIONS WASTE TIME

One of the arguments in favor of the establishment of state utility commissions was, that such commissions would save litigation and eliminate many of the suits in regard to rates. The actual experience, however, does not seem to bear this out.

The courts uniformly hold that it is their duty to decide as to whether a rate is confiscatory or not and do not allow the commissions to pass definitely on this question or at least if the commissions do pass on it the courts are not bound by the commissions findings.

In actual practice, where the state utility commission fixes a rate the consumer has little or no recourse if the rate is too high, but on the contrary if the company affected believes the rate to be too low they have the right to appeal to the courts. The result is that the consumers are absolutely at the mercy of the commissions while the utility companies have the right to appeal to the courts if in their judgment the rates fixed by the commission are too low.

The membership of the different state utility commissions is being made up more and more by corporation men and with one or two exceptions the state utility commissions of today are composed of politicians whose appointment was made for political purposes rather than for their experience or ability in utility matters.

STATE UTILITY COMMISSION HANDS CITY PACKAGE

The utility commission of California in a recent order decides that it does not have the power to order a private water works company to extend its mains for the purpose of fire protection but only for the purpose of supplying domestic consumption. A year ago the statement was made by a well posted student of utility regulation that the California commission was the only one in the country favorable to the people. It would seem that this commission is now about to join the ranks of the corporation controlled state utility commissions. Once more a great reform has gone astray. The reformers who forced the utility commissions on the different states ought to be pensioned by the corporations, as they have done a work for the utility companies that the corporations could not do themselves.

SEPTIC TANK LITIGATION

At the request of a number of interested municipalities both in Iowa and other states, President J. F. Cole of the Iowa League has called a meeting of those interested, at the Savery Hotel, Des Moines, March 14, at 10 a. m.

Every municipality that has been served with a notice of suit by the Cameron Septic Tank Co., should have a delegate present on March 14 in order that all may take part in the decision as to what is best to do under the present conditions.

We Have With Us This Day

CLEMENT FIELD KIMBALL

There are a great many things that make Clement of Council Bluffs out of the ordinary, but the one thing that is most remarkable about him is that he never yet has found himself in a place where he did not know some one or get acquainted with some one who knew some one that he knew.

A number of years ago when Senator Kimball, yes sir, he is a senator, a member of the State Senate of Iowa. To begin again. A number of years ago when Senator Kimball, was



nothing but city attorney of Council Bluffs, he attended a meeting of the League of Iowa Municipalities at Davenport and on the afternoon of the last day of the meeting, as the sun was sinking in the west, a number of delegates were invited to take a trip down the river on a private steamboat. The senator, with others, accepted this invitation and the party started down or up the river. In the course of a half an hour Clement was missed from the social crowd but was finally located up in the pilot house talking with the pilot. You can imagine how pleased he was when he found that the pilot was a man he had known as a boy many years ago at Anamosa, Iowa. It will make no difference which way the Senator goes when he quits this earth, he can certainly find friends and acquaintances in either place.

Senator Kimball, I cannot resist calling him senator, it sounds so classy, is a lawyer and takes to politics like a duck to water. He was born at Anamosa, Iowa, August 11, 1868 and in due course of time graduated from the Anamosa High School. As a young man he decided to be a statesman, and in order to get near the farmer, with the least possible work on a farm, he attended the Iowa State College, from which institution he graduated in 1887. He later graduated in law from the University of Michigan and has been practicing law ever since.

The senator gets plenty of practice, he has already been assistant county attorney of Pottawattamie county for four years, and city attorney for six years. I can't say anything about his practice in other lines but I know that as a city attorney he was some success.

While the senator was city attorney of Council Bluffs, he served as chairman of the Legislative Committee of the League of Iowa Municipalities for several years. During the last session of the legislature he was chairman of the senate committee on cities and towns and it is not necessary to say, but we will say it anyway, that he worked hard and consistently for the interest of the municipalities.

Senator Kimball is a hard worker. He is willing to work all the while, and as there are plenty of others who are willing to let those work, who are willing to work, he finds plenty to do. I honestly believe that if it were necessary Senator Kimball would do the entire work of the legislature, including the work of presiding officer and clerks. This is a mighty good failing and is the only one I have ever been able to find in this gentleman.

Senator Kimball is Past Grand Chancellor of the Knights of Pythias of Iowa, and every one of the members of that order know him, not as Senator Kimball or, as the Honorable Clement Field Kimball but simply as Clem, and it has been pretty hard to write this interesting history and not call him Clem all the way through.

The legislative committee of the League of Iowa Municipalities, and municipal officials generally throughout the state, would like to see Clem back in the senate and without advising the voters of the imperial county of Pottawattamie, I cannot refrain from suggesting that in my humble judgment they would be obliged to go a long way to find a man who would make them a better representative.

We Have With Us This Day

DAVID W. KIMBERLY

For years and years the democrats elected the members of the legislature from Scott county. In 1914 the leaders, in both parties, thought that democratic members of the legislature would be elected.

When the republican leaders looked around for candidates for the legislature, there was no apparent enthusiasm on the part of would-be patriots, to accept the nomination. None of the old war horses would get in the harness.

A wise one said that he knew a young man who had recently moved to Davenport from



Muscatine county, who was not familiar with political conditions but had the money, and suggested that he was the one to make the race. As no one else wanted the nomination, it was decided to offer this young man as a sacrifice to the good of the party. The result was David W. Kimberly being nominated on the republican ticket for member of the house of representatives.

As soon as he was nominated the reporters looked him up. They found he was born in Deadwood, South Dakota, August 6, 1878. The democrats claimed he was a close relative of Deadwood Dick but were unable to put it

over. Deadwood David's parents moved to West Liberty when David was six weeks old and his father wisely took up the highly profitable business of farmer and stock raiser.

David, like most first class statesmen, lived on a farm most of his life, but was able to take time from feeding the shorthorns to attend the West Liberty High School and a business college in Chicago. A few years ago, he tired of the rural surroundings of his youth and moved to Davenport. This was all the newspapers found out about the candidate.

All agreed that he was just the man to make the sacrifice for the good of the G. O. P. of Scott county. But in thinking that he was a sacrifice, the republican leaders made a wrong bet. The candidate foolishly made up his mind to be elected. The Kimberly organization was one of the best little organizations ever seen in the state, and it is even hinted that a couple of pedigree shorthorns were marketed and the proceeds put where they would do the most good. In any event when all the votes were counted it was found that Deadwood David, the farmer boy, was elected to spend several months in Des Moines fixing the policies of the great state of Iowa.

A new member usually does not get a chairmanship of an important committee, but David was strictly on the job during the preliminaries and very wisely picked the winner in the speakership contest. When the committees were appointed there was his name right at the head of the committee on cities and towns, just like that, David W. Kimberly, chairman. Before the session was over every member of the legislative committee of the League of Iowa Municipalities knew that in David they had a friend, one who would on every occasion fight for the best interests of the municipalities. If the legislative committee of the League of Iowa Municipalities had the selection of a member of the legislature from Scott county no one would receive any votes except David W.

The League of Iowa Municipalities would be very pleased indeed to once more see the Honorable David W. Kimberly chairman of the committee on cities and towns.

NOTES NEBRASKA LEAGUE CONVENTION

We welcome Crete, Dorchester and Hastings as new members.

The roll call of cities and villages shows that twenty-six of the forty-nine members were represented.

The next convention city will be Hastings.

The following officers were elected: President, J. W. Mayer, Mayor Beatrice; Vice-President Rolland F. Ireland, City Attorney, Crete; Sec.-Treas., Roscoe C. Ozman, Lincoln; Trustees, A. P. Moran, Attorney, Nebraska City; E. J. Bredenberg, Councilman, Wahoo and F. M. Arbuckle, Councilman, Kearney.

A few comments on the convention were as follow: Villars, mayor of Tecumseh said, "The most important feature to me was the discussions by delegates. I picked up good points on paving".

Mayer, mayor of Beatrice, "The meeting was the best I have attended. Each man was present to get and give facts".

Mathews, city attorney of Loup City "This is my first trip to a League convention and it has opened my eyes. I had no idea of the many points one can pick up to help do better work for our cities".

Madgett, mayor of Hastings, "Money cannot pay for the value of information gained at such conventions. Some of Hastings' paving experience has cost the city \$5,000. Others may avoid our costly experiments".

Roneig, mayor of Alliance, "Information is what I came for and this Kearney convention has answered many of our puzzling questions. Alliance wants a tractor and I appreciate the valuable experience that I heard of from Fremont, Hastings and North Platte".

Miles, ex-mayor of Hastings and former vice-president of the League. "I notice the League has grown since 1910. Every city and village should join and get the benefit of co-operation in municipal affairs".

Wunder, city clerk of Fairbury, "The convention is very instructive and the information spread by the League is sure to help our Nebraska cities. The monthly journal 'American Municipalities', is another big help for the articles published cover our problems".

AMERICAN COAL PRODUCTS COMPANY CHANGES NAME TO THE BARRETT COMPANY

It is announced that the American Coal Products Company and the Barrett Manufacturing Company have decided to unite the good-will and high reputation of both concerns under the name of The Barrett Company.

The American Coal Products Company is well known in connection with the sale of Sulphate of Ammonia, and heretofore owned the stock of the Barrett Manufacturing Company.

The fact that all the coal tar chemicals, disinfectants, roofing, waterproofing, road making and wood preserving materials have been made and widely advertized in the name of the Barrett Manufacturing Company has added immensely to the good-will attached to the Barrett name. This increase, however, has not been connected in the minds of the general public with the securities of the American Coal Products Company.

The new company will have the same amount of stock as the American Coal Products Company and the change in name will be accomplished by extending the outstanding certificates share for share.

Some of the widely advertized trade-marks of the Barrett Manufacturing Company will be recognized in Barrett Specification Roofing, Tarvia, for roads, and Congoleum floor coverings—the latter being manufactured and distributed by The Congoleum Company department of The Barrett Company.

The products of the Chemical Department of The Barrett Company are receiving particular attention at this time, due to the European situation, and it is expected that this branch of the business will be of larger importance hereafter, as the advantage of an American source of supply will doubtless appeal to users of these products in this country.

The Barrett Company in this department has produced for many years pure (natural) Carbolic Acid, Cresylic Acid, Refined Naphthaline, (in various forms) Benzol, Toluol, etc., in addition to which they also now manufacture considerable quantities of Synthetic Carbolic Acid (Phenol).

Liquor Censorship at Mason City

By W. T. Forbes, News Editor, The Mason City Globe Gazette

To an unprejudiced observer—one who if anything leaned toward the idea at the start that "it wouldn't work" Mason City's experiment in "booze" censorship appears now to be a complete success.

The greatly decreased shipments of intoxicating liquors into the city, the falling off in the number of arrests for intoxication—and incidentally for other offenses which could by any chance grow out of indulgence in liquor—and better conditions generally tell the story.

In the first place, railroads and express companies accepted the censorship plan as a "compromise". The police had formed the habit of visiting the freight houses and express offices at frequent intervals, usually about daily, with search warrants, and seizing all liquor found. While much of the liquor had to be returned, much of it did not, and anyway, this method caused endless trouble and bother to express agents and railway men.

So the legal departments of the carriers and the city agreed upon the censor plan, whereby no liquor would under any consideration be delivered within twenty-four hours after its arrival, unless it was first passed upon by a police department representative.

So far as can be learned, since the last railway to accept the plan commenced following it, the terms have not been violated.

An inspector was appointed, responsible only to the chief of police and commissioner in charge of the department of public safety. This inspector had all the information which the past business of the peace officers of the city and court records could furnish as to what men were entitled to receive intoxicating liquor, without any suspicion that it might be intended for illegal sale attaching to the delivery.

The inspector appointed was R. D. Mason, who still holds the position, who had experience as a liquor inspector in Saskatchewan, first as a Constable of the Royal Northwest Mounted Police, and later as a member of the provincial

constabulary. Saskatchewan has the strictest liquor laws in the world.

By an "unwritten law" the limit of intoxicating liquor which a man can receive in Mason City without suspicion of intention of illegal sale following, is seventy-two quarts of beer and one gallon of other liquor in each thirty days.

If a man has ever run foul of any peace officers because of illegal sale, habitual drunkenness, or other reason growing out of the booze traffic, his shipment is "censored", and the shipper notified by the carrier to that effect. If no disposition is made of the consignment within about thirty days, it goes back to the shipper.

The inspector keeps a record of every liquor shipment which enters the city, both chronologically and alphabetically, so it is no trouble for him to know whether a man is overstepping the limit. If suspicion arises a watch is put on the place where the liquor is going, a trap set, and a prosecution, cutting off of further supply, soon follows.

How the shipments have been cut down is shown by the inspectors's and railway records.

As a criterion, the last four months before censorship began, and the first four afterwards are taken:

	Apr. 1 to Sept. 1	Sept. 1 to Jan. 1	Censored	Passed	Decrease
			Sept. 1 to Jan. 1		
Casks of beer	8,240	3,050	615	2,435	5,805
Gallons of other liquor	1,499*	973	499	484	942

*Record not complete. Total believed nearer 2,000.

The four months under censorship include the Christmas and New Years holidays, including the major part of the shipments for the old calendar New Years, which is greatly celebrated by the Greeks and Slavs who make up a large proportion of the laborers of the city, there being several thousand of them employed in various brick, tile and cement plants.

During these holidays no more arrests were made, if as many, as in other weeks.

An interesting prerequisite to getting ship-

ments of liquor "O. K'd" is the payment of poll tax, and other taxes due the city. A foreigner, without the receipt of the city clerk for his poll tax, has "no chance". This feature alone has brought enough money that otherwise would probably not have been collected into the treasury to pay the inspector's salary for a large part of the time he has been working.

To bolster up the work of the police and the inspector, the council has passed a "dry" ordinance which is a "masterpiece". Locally it is known by its official title "Ordinance No. 388."

It makes it possible to handle in police court, with neatness and dispatch, without danger of miscarriage of justice by a jury trial, almost any kind of a liquor case which can arise within the city.

It was primarily intended to put a stop to Americans visiting the foreign colonies, where the men "have their beer" as a matter of course, and coaxing, wheedling, or bulldozing the men of Southern Europe, either through cupidity aroused by "long prices" for beer or whiskey, desire to please the Americans, or fear, in turning boot-legger. To be "stuck" under "388" means \$50 and costs the first time—\$100 and trimmings the second. Few come back the second time.

The ordinance reads as follows:

ORDINANCE NO. 388

An ordinance making it unlawful to be present at or to convey any person to, any place where intoxicating liquors are unlawfully used or dispersed.

Be it Ordained by the City Council of the City of Mason City:

Section 1. That it shall be unlawful for any person, while within the city of Mason City, Iowa, to resort to, attend or be present at, any place where intoxicating liquors are unlawfully or illegally sold, dispensed or used.

Section 2. That it shall be unlawful for any person while within the city of Mason City, Iowa, knowingly to convey, transport or direct any person or persons whomsoever to any place wherein intoxicating liquors are unlawfully or illegally sold, dispensed or used within said city.

Section 3. Any person or persons violating any of the provisions of this ordinance shall upon conviction, be fined in a sum not exceeding one hundred dollars, or imprisoned, in the jail for a term not exceeding thirty days.

Section 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. This ordinance shall be in full force and effect ten days from and after its adoption and publication, as provided by law.

Adopted, this 25th day of October, A. D. 1915.

I, J. H. McEwen, City Clerk of Mason City, Iowa, hereby certify that the foregoing ordinance No. 388, was published in the Mason City Times October 25th, 1915.

The city is getting many inquiries regarding the censorship plan, and this ordinance. This article is prepared to answer some of them.

The plan is certainly working well. At this writing there has not been an arrest of any kind for a week. There are no drunken fight victims in the hospitals, no coroner's inquests, and the grand jury and district court are not clogged with assault and murder cases as of yore. From a "tough town" Mason City has changed to a model one.

Inspector Mason still inspects the depots and express offices every day. Much booze is still shipped to Mason City, but most of it is shipped back.

The people who laughed when the plan was started by Mayor Potter and Chief Gorman last summer have quit laughing now. It undoubtedly works.

It works here, and there is no reason why it could not be made to work equally well in any other city in Iowa, once the railways and express companies are lead to see the value of making the agreement, rather than have raiding squads constantly visiting their places, and patrol wagons, instead of drays backing up to their loading platforms.

Persistent use of the law which gives officers a right to swear out search warrants for searching places where there is believed to be liquor intended for illegal sale, will sooner or later bring the views of the railways and express companies into harmony with those of the authorities on the subject of quiet, orderly, inspection of liquor shipments by a duly accredited officer.

Greenfield, Iowa let a contract January 20, for 25,000 yards of asphaltic concrete paving at \$1.58 a yard.

Municipal Election Law of Iowa

At this time of the year many municipal officials are interested in the law relating to elections. The following statement will make it possible for the officials to read the sections dealing with municipal elections and save them trouble and possibly serious mistakes.

Time: Last Monday in March, every other year.

Law: Section 642 Code and 646 Code Supplement.

Officers Elected: Mayor, treasurer, assessor and councilmen, Section 645 Supplement, 1913.

Law for Town Officers: Section 649 Supplement, 1913, five councilmen Section 645 Supplement, 1913.

Law for cities of Second Class Officers: Section 649 Supplement, 1913, Councilmen Section 645 Supplement, 1913.

Qualifications of officers, Sections 643 and 644 Code.

Method of Holding Election: Section 642 Code.

1. Voting places fixed by council.

2. Conducted as general election.

3. Each qualified elector may vote who is a resident of city or town and had been ten days a resident of precinct in which he offers to vote.

Registration: In cities of over 3,500 population voters must be registered for municipal election. See Chapter 2, Title 6 Code, beginning with Section 1076, as amended by Code Supplement. In cities of less than 3,500 population and in towns registration is not required.

Voting Precincts: Law 1090 Code. In cities, council may fix precincts. In town, entire town is one precinct for municipal elections.

Election Boards: Law, Section 1093 Code Supplement. Council shall name boards. If at opening of polls there is a vacancy, it is filled by members of board present. Councilmen act as judges of election. Clerk acts as one clerk.

Polls Open: Law, 1096 Code Supplement. In cities of over 3,500 open 7 a. m., close 7 p. m. In cities of less than 3,500 and towns, polls open

8 a. m., close 7. p. m.

Nomination of Candidates:

1. Any party which polls at least two per cent of vote at last general election may nominate by primary, caucus or meeting. See Sections 1098 and 1099 Code.

2. By petition. Officers may be nominated by petition signed by ten qualified electors. See Section 1100 Code and citation thereunder.

3. Nomination papers must be filed with clerk not more than forty or less than fifteen days from date of election. See Section 1104 Code Supplement 1915.

Form of Ballot and Printing: Sections 1106 and 1109, Code Supplement, clerk shall have ballots printed.

1. See line 18, Section 1106, Supplement 1913.

2. See line 12, Section 1107 Code.

3. Shall have printed and deliver to judges 75 ballots for each 50 votes or fraction thereof cast at the last preceding election for state officers. See line 5, Section 1110 Code.

Withdrawals: Anyone nominated may withdraw by complying with Section 1101 Supplement 1915.

Notice of Election: Mayor usually publishes proclamation of election at least ten days before election, but there seems to be no provision of law providing for this. This is sometimes required by ordinance.

In regard to election and canvass of votes, see Chapter 3 and 4, Title 6, Code and Code Supplement.

FORMS OF PETITIONS

PETITION FOR FULL TICKET

NOMINATION PETITION

We, the undersigned, qualified voters and residents of the town of Smithville, Iowa, hereby nominate the following candidates, namely:

Paul Smith as a candidate for Mayor.

Philip Smith as a candidate for Treasurer.

Peter Smith as a candidate for Assessor.

James Smith as a candidate for Councilman.

Matthew Smith as a candidate for Councilman

Mark Smith as a candidate for Councilman
 Luke Smith as a candidate for Councilman.
 John Smith as a candidate for Councilman.

To be voted for, at the election to be held March _____ (last Monday) 191—. The above ticket to be the "Independent Ticket." (or any name you choose.)

Name Place of Business Postoffice Address

PETITION FOR FULL TICKET

NOMINATION PETITION

We, the undersigned, qualified voters and residents of the Town of Smithville, Iowa, hereby nominate John Smith, as candidate for the office of mayor, to be voted for at the election to be held March _____ (last Monday) 191—.

Name Place of Business Postoffice Address

PASS A LAW

Are you neighbors very bad?

Pass a law!

Do they smoke? Do they chew?

Are they always bothering you?

Don't they do as you would do?

Pass a law!

Are your wages awful low?

Pass a law!

Are the prices much too high?

Do the wife and babies cry

'Cause the turkeys all roost high?

Pass a law!

When M. D. finds new diseases,

Pass a law!

Got the mumps or enfermesis,

Measles, croup or "expertisis"?

Lest we all fly to pieces,

Pass a law!

Are the lights aburning red?

Pass a law!

Paint 'em green, or paint 'em white?

Close up all them places tight!

My! Our town is such a sight!

Pass a law!

No matter what the trouble is,

Pass a law!

Goodness sakes, but ain't it awful!

My! What are we going to do?

Almost anything ain't lawful,

And the Judge is human too!

Pass a law!

—Public

SOMETHING NEW

Associates interested in civic affairs are usually very free to condemn the acts of an official but rarely will they commend. A pleasing innovation is started by the Municipal League of Los Angeles in writing a letter of appreciation to Mayor Sebastian in regard to his appointment. The letter which explains itself is as follows:

Hon. C. E. Sebastian,
 Mayor of Los Angeles.

Sir:

The Executive Committee of the Municipal League of Los Angeles notes with approval that, in the appointments just announced, you have gone further than any preceding Mayor in the extent to which you have recognized that loyal and able service to the city deserves reappointment or advancement. Such action we believe is not only just, but is the best method of obtaining that maximum efficiency throughout the personnel of the city service, which we are confident is your desire.

Through the Executive Committee, the League expresses its hearty appreciation.

Respectfully yours,

The Municipal League of Los Angeles.
 (Signed) Elbert Wing, President
 (Signed) Seward C. Simmons, Secretary

REGRESSIVE WATER RATES

The Wisconsin State Utility Commission recently very justly held in a case from Prairie Du Chien that regressive water rates are discriminatory and ordered that the rates be changed. The commission says on this point.

"It is easy to see that some consumers would find it rather profitable to waste water until their meters registered such an amount as would entitle them to a much lower bill. It is needless to argue that such a regressive schedule is inimical to the interests of the utility and the smaller consumers."

A FEW CENTS FOR HEALTH

The average amount expended by 219 American cities for health is twenty cents. If we would only appreciate that health is the best and most valuable thing in the world, our cities would make more of this department of their government and many times this twenty-two cents would be spent in conserving the health of the people.

Home Rule for Iowa Municipalities

Hon. James R. Hanna, Mayor Des Moines, Before League of Iowa Municipalities

It is the well nigh universal opinion of those who have given any attention to the welfare of the American cities and their inhabitants that they need, as much or more than any other one thing, the power of local self government, or what has come to be known popularly as Home Rule for cities. This they do not have now.

It is the common rule of law in this country that cities shall exercise no powers whatever except the very simplest police regulations, unless the state legislatures have specially conferred those powers upon them. It seems to be commonly assumed, either that people who reside in cities are incapable of self government or else that they do not have the honesty and virtue necessary to exercise it properly.

Perhaps after all this condition of affairs is not so strange as resulting from the circumstance of American life at the time of adopting our national and state constitutions following the Revolutionary war. In 1790 there were but six cities in the entire country having a population of 8,000 or more. Now there are over 600. Then but one person in twenty dwelt in cities and towns, in 1860 one in every five, in 1880 one in every three. Today one in every two dwell in cities and towns.

CONDITIONS VERY DIFFERENT

Then social and industrial relations in what few small cities there were, were very simple. Gas, electricity, street railways and telephones had wrought no revolutions and had brought no great public utility questions of franchise making and franchise grabbing, service regulation, not to say anything of corruption and manipulation of city politics. Then every man tended his own little shop or at most had also one or two employees.

Now all this has been changed. City life has become the most complex of all life. The great utility questions, the regulation of certain phases of social and industrial relations; the provisions necessary for health, recreation, education, and morals growing out of these wholly new, complex

and artificial conditions of life combine to make the problems of American city politics the most complex, acute and gravely important problems of government in America today.

And it is strange that in democratic America we must go to England against whose tyranny we rebelled in 1776 to learn, by example, of the real power of local self government which every city must have, in order to deal adequately with the vital questions of government which have suddenly been thrust upon them. And it is still more strange that we must go to autocratic Germany for still better examples of the complete power of local self government and the full and free exercise thereof that are supposed to characterize a democracy.

DIVERSITY OF POWERS

There they have not been content, as we have been, with the mere outward forms of democracy. They have also demanded the fruits of democracy as well, namely that the government should not only be run by all the people, but also for and in the interest of all the people as well. To that end German cities do all the things we do, and also build hospitals for everybody, they drive out cancer and tuberculosis, they run insurance societies against accident, ill health, old age and unemployment; they own and operate water, gas, telephone, electric light, and street railway plants in order that all the people may enjoy the best possible service at the lowest possible cost.

When they build a market house or open a park they condemn the surrounding land and then resell it after the values have increased and spend the profit from the unearned increment derived for the general public good.

In short they do all the things possible to be done, in order to secure to the whole population the benefits that arise from the fact that so many people are living together, and also to protect the whole population from the evils that arise from so many people living together.

German cities have long possessed these

plenary powers of local self government. It was their custom during the middle ages to wring from impecunious emperors and kings their charters of freedom in exchange for much needed revenues or drafts of soldiers to fight their enemies abroad, or bolster up unstable thrones at home.

And so while the ruler intrenched himself in power in matters affecting the entire kingdom and against the rural overlords and foreign potentates, the German cities were acquiring for themselves the real elements of democratic self government in all matters affecting the local welfare.

NEED MORE HOME RULE

The growing consciousness of the utter inadequacy of American city governments to deal effectively with the problems that have rapidly risen with the recent and sudden growth of American cities and which so vitally affect the lives and welfare of their inhabitants, has led to a demand for larger powers of local self government or home rule.

The study of German cities by leading American publicists has also been a powerful stimulus to the movement. Twelve states have already either amended their constitutions or changed their statutes so as to permit of the exercise of such power.

Ohio incorporated the means of home rule for cities in her new constitution two years ago.

Iowa has lagged behind. We have been a rural state with few or no large cities, and so have only recently begun to feel the need of larger powers to be lodged in them.

The folly however, of permitting the legislature of the state to attend to all the matters affecting only the cities of the state or perchance only a single city of the state has rapidly grown apparent. In the first place the legislators do not have the time to devote to so many questions, in the second place in the Iowa legislature with most of its members from country districts they have no knowledge of the importance of the questions at issue; and finally they are not naturally deeply concerned with questions that do not at all affect their own constituents and so do not care whether they are voted up or down.

VOTED ON FLIPPANTLY

Questions therefore of deepest concern to 50,000 or 100,000 people in some one Iowa

city, but of no concern to anyone else in the state, are voted on flippantly or upon prejudice by members not interested and become trading stock for which special interests secure their private ends at the cost of the general public welfare.

Let me cite a single interesting example. In 1903 Des Moines had a most disastrous flood which drove 7,000 people out of their homes and did a half million dollars damage. We wished to dyke the river and improve the channel against a repetition of the disaster, but we had not the necessary power, so we had to go to the legislature. The law was drawn up and passed with the usual red tape.

We tried to follow its provisions, but found after carefully working out the engineering plans and holding an expensive election as provided, that we could not possibly do the work without changes in the law. And so we had to wait for another legislature which did some patching on the statute.

But to make a long story short we had to appeal to four legislatures, secure five different amendments and wait ten years before we were able to throw the first shovel of dirt. Meantime a kind providence was our only protection against other disasters of like kind, whereas we should have been presumed to have the power ourselves without asking anybody's permission to protect our own lives and property against destruction and pay the bill ourselves.

WORK OF THE LEAGUE

For the last three sessions the League of Iowa Municipalities has sought to relieve this anomalous situation in the affairs of Iowa cities. Finally one year ago the meeting at Burlington set aside a small appropriation and provided for the appointment of a committee for an educational campaign. The committee consisted of Mayor A. A. Smith of Sioux City, City Attorney B. P. Poor of Burlington, Mayor George A. McIntye of Shell Rock and Councilman J. S. Wilson of Pella.

It was early decided that the best plan was to formulate a bill and go before the legislature with it. It was thought that such a plan would secure the most attention and arouse the greatest amount of interest. This plan necessitates the co-operation of both the home rule and the legislative committees and practically all the

work done was with the co-operation of these two committees.

The committees accordingly set about getting the best means of formulating a proper bill and getting the attention and favorable consideration of the legislature for such a bill once formulated. For this purpose we considered ourselves most fortunate in securing the services of Prof. A. R. Hatton of Western Reserve University, Cleveland, Ohio.

Prof. Hatton has had the largest experience and is doubtless the best informed man in the United States on questions of home rule for American cities. He drew up the home rule section in the new constitution for the state of Ohio and drafted most of the new charter for the city of Cleveland under this constitutional provision. He also collated the material for the Chicago charter adopted six or eight years ago while he was in the faculty of Chicago University.

Your committee secured a hearing for Prof. Hatton under most favorable conditions. The Grant club of Des Moines acted as hosts at an evening banquet where practically the entire legislature and many leading citizens of the city and state were guests. Prof. Hatton's exposition of the subject was received with marked attention and general approval. He also spoke on the subject before the chamber of commerce and in many ways promoted and popularized the movement. The committees were greatly surprised and much encouraged by the general favor and approval with which the subject was received.

UTILITY OPPOSITION

As usual, however, opposition arose from interested parties.

Much to the surprise of your committee and others promoting the bill the opposition did not tend to come so much from the country districts as from the cities themselves. Of the thirty-four members of the house who voted for the Kimberley Home Rule Bill, as it was called in the house thirteen were farmers, five lawyers, three merchants, insurance men, bankers, conductors and coal dealers, while two were classified as farmers and bankers. In other words nearly one-half of all the votes cast for the bill were farmers.

On the other hand of the twenty-six votes from counties with cities of over 10,000 population there were but fourteen votes for the bill

while eight voted against the bill and four were absent. Nearly one-half of the representatives of the larger cities did not support the bill. It thus becomes apparent that the insidious influence of the special interests that militate against the public welfare in our larger cities brought their influence to bear upon members of the legislature representing constituencies that most need this bill.

The only lobbying that came to the attention of the writer was by attorneys usually representing the big public utility companies of the state. Of course they did not avow the source of their opposition, but they furnished the argument, oftentimes on other and plausible grounds than the real grounds of opposition in their own minds.

DEFEATED IN HOUSE

In the house there were thirty-four votes for the bill and fifty-nine against the bill, thus defeating the bill by a very pronounced majority in the house. But it is also noticeable that there were fifteen absentees not in the voting.

In the senate the vote was twenty-five for the bill and only ten against the bill thus giving a majority of two and one-half to one. Two things, however, are rather noticeable in the senate vote. First that there were fifteen absentees at the time of the voting and second that the bill as voted on in the senate was rendered rather inane and ineffective by the addition of the following amendment, to-wit:

"Nothing in this law shall be construed as granting any municipality power to incur any debt or levy any tax unless the same is now or may be hereafter specially authorized by law."

Of course this limitation would take away practically all of the desirable power incurred inasmuch as little if anything can be done by municipalities without either making a debt or levying a tax and most of the things that the city wishes to do cost money.

A scanning of the roll call would be interesting reading. Several of the names recorded against the bill were matters of surprise. No doubt in many instances opposition arose from the newness of the question and the fear lest members might commit an error by voting for this bill. Several different members of the senate and house afterwards indicated that if a reconsideration should come up their support could be counted on the other side.

Nebraska League News

Edited by Roscoe C. Ozman, Secretary, League of Nebraska Municipalities

ADDRESS OF WELCOME

BY MAYOR C. W. KIBBLEY TO THE DELEGATES
AT KEARNEY

"Mr. President and Gentlemen: When we stop to think that less than half a century ago this great state of ours was an unsettled, wide expanse of prairie land, inhabited by Indians and Buffalo, those of us who have lived here, to see the great change that has taken place, who have seen the prairies converted into rich, productive farms, railroads built and towns laid out and grown from the little old frame depot to thriving, hustling cities, can appreciate who it was that built the railroads, towns and cities and made it possible to convert our state into one of the greatest agricultural commonwealths in the world. It was such men, gentlemen, as we have with us this evening, such men as have been selected as delegates to represent their respective towns at this municipal convention.

"Gentlemen, I am honored to have the privilege of saying that Kearney is glad to have such a representative body of men here to enjoy the benefits and pleasures of this convention, and I assure you we will do all in our power to make your stay here a pleasant one."

REPORT OF SECRETARY NEBRASKA LEAGUE

HON. ROSCOE C. OZMAN, LINCOLN

Following the last convention of the League a report was printed showing the legislative bills approved by the League and also showing the bills we did not approve. This report was kindly received by the members of the State Legislature and many were glad to see where our organization stood on the different matters. We did not get all the good legislation we desired but we made progress. We must work harder.

During the year our Nebraska city councils and village boards have been studying more carefully than before the problems of raising revenue for expenses and improvements. Many new improvements are asked for by committees, dele-

gations and societies but the question arise, show to secure the funds. Direct taxation, occupation taxes and bond selling, are the sources but we must always rely on a direct tax on each piece of property on a just valuation. In some cases the counties have been slow to pay over the right amount to each city and village. This needs watching.

The questions asked about improved roads and the kind of pavement that is best, show that what Nebraska needs today is a sane solution of how to get and keep up durable roads and paved streets. Every person benefited by improved roads should be willing to pay his share. We must not place the whole burden on one class. In some cases the abutting property may justly be charged, but by dividing the cost, more miles of streets and roads will be improved. If we could get sufficient backing I believe we can get state and national assistance in building permanent roads. As the postal department of our nation uses our roads why should we not have some federal aid?

The convenience of all citizens must be the aim of our municipalities. In holding our elections on Tuesday instead of Monday we deprive many voters in the larger places from casting a vote, on city matters. Besides traveling men, any man going on a trip during election week wishes to leave on Monday. Unless men are personally interested they will not break the week up and remain until Tuesday. I believe we need to study this question and make it possible to have a vote from every voter.

Detailed statement of the receipts from municipalities and items of expense:

RECEIPTS			
Exeter	\$10	Seward	\$10
Beaver Crossing.....	5	Syracuse	5
McCook.....	10	Arlington.....	15
Ashland	15	University Place.....	10
Holdrege	10	Grand Island	20
North Bend.....	20	Hartington	10
Valentine.....	10	Howells	5
North Platte	10	Fremont.....	10

Fairbury.....	15	Wymore	20	Typewriting—M. V. Bedson.....	3 20
Grafton.....	5	Curtis.....	5	C. P. Anderbery, expenses at convention....	8 20
Clarkson.....	5	Fairmont	5	G. F. Wolz, expenses at convention.....	5 74
Ashton.....	15	Harvard.....	10	Printed report on laws and bills in legislature	
Franklin.....	5	Omaha.....	50	Graves Printery.....	17 75
Lincoln.....	40	Nebraska City.....	30	Copies of laws, C. W. Pool	5 00
Chadron.....	10	Kearney.....	15	Copies of laws, H. C. Lindsey.....	1 00
Plainview.....	5	Havelock	10	Printing, Milburn and Scott	11 00
Superior.....	10	Loup City	15	Printing, Graves Printery.....	8 00
Ponca.....	10	Tecumseh	10	Printing, Franklin Press	7 70
Hastings.....	15	Alliance	10	Railroad fare of Executive Committee, Jan. 7,	
Receipts			\$490.00	R. F. Ireland.....	82
Balance on hand at last report.....			262.46	J. W. Meyer	1 60
Total receipts.....			\$752.46	A. P. Moran	2 32
DISBURSEMENTS					
Official monthly paper "American Municipalities".....			\$200 65	Pootage to U. S. Postmaster, \$1, \$1, \$2, \$10	
Printing, George Brothers			18 20	\$1, \$3, \$1, \$1.80	20 80
Expense of work on legislative bills at Lincoln convention: Copyist C. F. Macy.....			1 50	Total Disbursements.....	\$317 28
Writing and copying bills—Emma E. Paulson			4 00	Total receipts.....	\$752 46
				Total disbursements.....	317 28
				Balance, Feb. 8, 1916	\$435 18

President's Annual Address Nebraska League

Hon. J. W. Mayer, Mayor, Beatrice

I desire, first of all, to thank you for your presence and to thank you Mr. Mayor, for your warm and courteous words of welcome. Your city has certainly had a wonderful career. When we consider that during our short lifetime this was a mere frontier out-post, it was Fort Kearney, and the grazing grounds for the American Buffalo and grain and provision was hauled overland from the Missouri river, we must concede that your development has been really remarkable, and so again I want to assure you Mr. Mayor and your citizens, that we feel that fortune has been kind to us in permitting us to come to your city. We will have occasion to meet you and your council and I hope our friendship will be mutual.

I want to say to the delegates that we have arranged a very interesting and instructive program and I believe every man will be glad he has come, before this meeting is over.

I believe there has begun in the State League a rejuvenation of the life of this organization as witnessed by our last meeting held in the city of Lincoln whereby some twenty-eight legislative bills were either endorsed or condemned by this

League. The desired bill or amendment often fails of passage for the want of some driving power behind it. But how different it is when forty cities welded into a homogeneous and compact and powerful organization come up and, through their committee, ask for legislation in the name of the League. At once a different spirit prevails and there is usually prompt action. It is no disparagement of the efforts of the very efficient and hard working legislative committee, who generally are overburdened with hundreds of bills, to say that some of these measures would certainly have fallen by the wayside had it not been known that they had behind them the prestige and weight of an organization like the League.

There is no impropriety in appearing before a legislative committee to ask for action on a purely municipal matter where the lines have not been drawn and where the people of the state are not divided into warring camps over that very question.

The final point is that this meeting, for those who are here and are vitally interested in the many municipal affairs, make it a clearing

house for practical ideas that can be of service in their daily work. The business spirit is developing and the business control is coming to have possession of the man who administers city affairs. All over the land you find sentiment towards a higher moral tone and we find the very best minds applying themselves to the problems of sanitation, health, police, parks and streets. The control of public utilities, where they are not owned by the municipality, should be more strictly controlled and yet more fairly controlled. I am one of those who believes that a corporation is entitled to just as much fair play as any private citizen and you cannot afford to be unfair with anybody if you want to get the very best results, and I think you will find that when we get to that point where we want to be fair and make them fair, we will have solved the problems that have existed for a long time.

We have got to develop some original ideas and thoughts. You have got to develop whatever is in you. To be a pioneer along some line even though you get the worst of it by so doing. I think you men have that spirit. We cannot avoid mistakes. We are human, fallible men, but so long as we do the best we can and give the best that is in us, we will have the confidence of the people and their loyal support, moreover there is wisdom in many counsellors and there can be no question that a course of action or of policy, determined upon after conference and deliberation among men of experience, and carried out with a certain degree of uniformity will, in a majority of cases, vindicate its wisdom and find favor with the public.

No doubt nearly every delegate who attended an annual convention in the past has received some benefit and waking up. You go to the convention and there you see a new and improved piece of fire apparatus or a fine stretch of well-laid pavement, or perhaps you listen to a paper which describes a very efficient and economical method of garbage collection and disposal, or to another paper which outlines an improved method of handling the city's finances, or to another paper which tells how a certain city gets the worth of its money in the management of its municipal water plant. You go home and the town which looked so good to you when you left does not look so good now. You are dissatisfied. The town looks shabby, rundown and seedy in

spots. You notice that the paving is rutted and has some bad holes in it, that the fire apparatus is obsolete and that the town has some very antiquated ways of doing business. What would you do? Why you would go to work at once energetically to bring these things up to date, so that you may make a proper report at the next annual convention of the League. And all over the state of Nebraska that once was designated as the great American desert this high standard of excellence will predominate in municipal efficiency. To be a member of the municipal League means much, we must be willing to sacrifice part of our time and our means for its good, then will we catch the heart beat of true citizenship and our burden will become a pleasure. Our association is like a community, only rises as high as the individuals who make up its membership.

I am sorry that all of our cities and villages are not enrolled as members of our League. Some officials raise the question of the necessity of such an organization, and I never hear this question but I think of the old story in our reader of the father who had seven sons and he asked them to break a bundle of seven sticks which he had tied together. Each son took hold of the bundle and although he strenuously attempted to break them as they were bound, was unable to do so. When the father took the bundle and drawing the sticks out one by one, broke them, he taught the lesson to his sons, that in union there is strength, and that if a division should come among them, it would be easy for them to fall.

Progress is always made easier and more rapid when the failures of others need not be repeated and when the successes of others may be duplicated. Men bind themselves together for many purposes; why not for the purpose of perfecting the processes and results of municipal administration and government? At any rate the fact speaks for itself. City officials become tired of groping in the dark and of making unnecessary and costly experiments when there is a great common fund of knowledge-facts and experience to draw from. Therefore they naturally come together for mutual counsel and advice and for the exchange of experience.

The unprejudiced and critical study of municipal questions in the cold light of reason

and from the scientific viewpoint, constitutes the ideal which should ever be held before our organization. Our information may come from papers read at the convention, in the discussions, or through visiting different cities and observing their method of conducting city affairs, and public works.

The greatest man in your community is the one that renders the greatest community service. You cannot buy with money a strong arm. You must make it with physical service. You cannot buy a strong brain; you must make it by mental service. You cannot buy character; you must make it with moral service. You can afford to do anything that will strengthen the citizenship of your community and you cannot afford to do anything that will weaken the character of the citizenship.

Therefore let us give the best service we have. Let us join together in the thought that the sunshine of high ideals may light us all the way and that we may cherish the truth and honor of our duty. Let co-operation be our watchword: that the errors of the past shall be lost in our progress. Let us join with the poet in the realization of power and help our association:

"Help One Another", the snow flakes said,
As they settled down in their fleecy bed,
"One of us here would never be felt,
One of us here would quickly melt;
But I'll help you and you help me,
And then what a splendid drift there'll be."

"Help One Another", the maple spray
Said to its fellow leaves one day;
"The sun would wither me here alone,
Long enough ere the day is gone;
But I'll help you and you help me,
And then what a splendid shade there'll be."

"Help One Another", the dew drop cried,
Seeing another drop close to its side,
"The warm south wind would dry me away,
And I should be gone ere noon today;
But I'll help you and you help me,
And we'll make a brook and run to the sea."

"Help One Another", a grain of sand,
Said to another grain close at hand;
"The wind may carry me over the sea,

And then, oh, what would become of me?
But come, my brother, give me your hand,
We'll build a mountain and then we'll stand."

And so the snow flakes grew to drifts;
The grains of sand to mountains;
The leaves became a summer shade;
The dew drops fed a fountain.

BILLINGS FILTRATION PLANT

At the annual meeting of the Montana Institute of Engineers, at Billings, Montana, on January 17, 18 and 19th, the engineers made an inspection trip through the recently completed water purification system, which has been under construction for about a year. Before the inspection trip the plant was described by illustrated slides by C. A. Smith, designing engineer in the employ of Burns & McDonnell, Consulting Engineers, Kansas City, Mo. The plant was not only visited by a large number of city engineers, but many citizens and Water Superintendents interested in water filtration.

SEWER PRICES AT CLINTON

C. W. Neal on January 11 was awarded a sewer contract at Clinton on the following low bids:

20 inch sewer	\$1.80 per foot
18 inch sewer	\$1.30 per foot
15 inch sewer	\$1.10 per foot
12 inch sewer	\$.90 per foot
Manholes	\$35.00
Catch Basins	\$30.00

J. D. Thorne, Clinton
Engineer

BITULITHIC LESS THAN TWO DOLLARS

The city of Ames has let a contract for 122,000 yards of bitulithic pavement at \$1.89 $\frac{1}{2}$ a yard. The combined curb and gutter was let at 44 $\frac{1}{2}$ cents a foot. The Des Moines Asphalt Company was the successful bidder.

Phoenix, Arizona is having plans drawn for a complete municipal electric lighting plant and new municipal gas plant.

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Some Municipal Problems

Hon. A. J. Mercer, Councilman, Kearney, Before League of Nebraska Municipalities

In a selection of a topic for this talk I decided to take one so broad that I might say many things of a different nature and still be within the scope of my subject.

The problems that confront the municipalities are so many and so varied that it will be impossible to touch upon but a few in the time allotted to this paper. In fact, after taking up the subject carefully and systematically, I find my time will allow me to take up but a couple of the many. Again it is not the purpose of this paper to offer a solution for these I shall represent, for if this were attempted it could not be done to the satisfaction of all, and possibly not to any. My purpose is to open up a discussion which, as it proceeds, may cause facts to be brought out that may be beneficial to all.

It is also assumed by the speaker that the perplexing problems that trouble one city are largely the same as those that trouble and perplex the administrations of the majority, if not all other cities.

Many of these problems, we must say as we begin, can be solved by "grit and determination" on the part of those concerned, or to use a homely illustration, by "taking the bull by the horns" and conquering. In fact, many of them must be solved in this way, for, they must be solved, and there appears no other way.

One of these perplexing problems is that of sewage and sewage disposal of our cities, more especially our inland cities and smaller places.

This question, however, as it appears, like some other things, is one that we are likely to always have with us.

That a system of sewage is a necessity in any of our cities and towns where there is a congestion of population goes without denial, but there are phases of it not yet satisfactorily settled.

One of these unsettled problems is, should every property in the congested district be compelled to connect up to the system for the protection of health and life. I believe we are all unanimous in answering this in the affirmative,

but while we answer thus affirmatively, there are few but who must admit that they are derelict in this matter. Since this is so, let me ask why it is not done. Why each one is not compelled to make this connection. This is one of the unsolved problems before us. Possibly there are some here who may be able to answer the why. Is it because it requires a little more grit and stamina than the most of those in power are endowed with? Is it because the political pull of certain persons is too great, or because the personal influence is too strong to be overcome without extra exertion, thus causing friction, or, is it simply negligence on the part of officials charged with this duty? Let an epidemic occur from such negligence and lives be blotted out from such cause and the matter be brought home in this way with public opinion aroused to its highest pitch, then political pull, personal influence, or financial reasons will not stand in the way. Even the negligent or careless official will be aroused. The speaker has in mind just such a case not many years old and not many hundreds of miles from this place. Why wait for public opinion? A life is worth more than such influence, pull, or cost. Do it now and save the life. Neglect is the worst crime of all.

Another serious problem along this line is the question of the disposal of sewage. This, no doubt, has caused as much anxious thought as any with which the municipalities have to deal. It is possible that some of you have this question solved, and possibly you have, but in most cases, although disposed of at present, and it is thought to be settled, sometime, under new conditions, which are continually presenting themselves, it will present itself for readjustment, for like "Banquo's ghost" it comes to haunt you still. I hope that those who feel they have this settled will come to the front at the proper time and tell us how they have done it; how long it has been settled; what problems they have had to meet to settle it; and what problems they may have to face in the future.

This is the greatest problem, most likely, that confronts the inland cities, with no natural way of carrying the filth entirely beyond their confines. The septic tank has been resorted to in several places. This to my mind is one of the most sanitary, if not, the most sanitary method, especially for these inland cities, and taking all conditions and features into consideration might be much better for other cities, but I fear that this method has not yet been so well perfected but that it has some drawbacks. I should be pleased to have some of those who have septic tanks tell us of their construction, of the success, of the difficulties they have had to overcome; of the grave problems they have had to meet since their construction; of the problems that must be met, apparently, in the near future.

The other principal method, the turning the sewage loose into some running stream is one that is full of intricacies, and troubles arise on every hand from it. In hot weather, the stream often becomes low, the refuse fails to run off, the air is filled with unpleasant odors and, possibly disease germs, poisoning and contaminating the whole region, or, if it is carried down stream, it has a contaminating influence on the water of the stream for many miles, just how far it is difficult to say, since the testimony of experts differ upon this point, as evidenced by the suit brought by the city of Joliet, Illinois against the city of Chicago after the completion of the drainage canal and the turning of the sewage of Chicago into it, and thus out into the Illinois river which flows past the city of Joliet and from which the latter city was then receiving its water supply.

This method has been found deleterious in many instances and seems never to be entirely or satisfactorily settled. What is to be done or how it is to be done, in order to solve it for all time I am unable to answer. That it is one of the greatest, if not the greatest problems along the line of sanitation that confronts the most of our cities goes without denial. That it never has been satisfactorily solved is probably as true. We may howl louder about some others but the fact still remains that this is supreme and still unsolved.

There are other ways of meeting this question but none other than the above for our smaller cities, as I look at it.

There are other problems of a sanitary nature that confront many of the municipalities to a greater or less degree, among which is the disposal of garbage, which is now being threshed out in one of our leading Nebraska cities.

Leaving the questions of sanitation, I want to take up for a short time another problem that is attracting the attention of many of our cities of various populations at the present time. I refer to the question of city government. The old apparently, to a certain extent, has proved a failure and men are looking around for something better.

For some time past the clamor has been strong for what is known as the commission form of government.

To those who are clamoring the loudest, let me ask, which one? Do you want the Galveston form; or, do you want the Houston form; or the Des Moines form; or the Lincoln form, or, one of the hundred other forms that are in operation, for I find upon close investigation that almost every city that has adopted something called by the above name, differs in some respect or in many particulars, from almost every other city. In fact, scarcely any two are alike except in some states, where statutes strictly govern their organization and method of procedure, they are compelled to be alike. Or let me ask, do you really know what a commission form of government is? Again, from much that has been said and published on the subject, we are led to believe that in the adoption of one of these, or some kind of commission form, we have found the panacea for all our ills in the matter of government. That much money will be saved to the city. That somehow or other our municipal corporations can exist to a certain extent upon air. It is certain that much of their existence is now carried by wind or air and hot air at that.

Troubles and difficulties, sometimes serious difficulties, will arise even in commission government. You need not take my word for this but simply keep watch on affairs as they are moving in some of our commission cities both in and out of Nebraska. It is my belief that such will be the case until men begin to sprout wings and assume the habits of angels.

That the commission form of government has much of good in, it there can be no doubt. That a real, genuine commission form is very

much better than the old form cannot be denied. But it must be the real form and not a half way one. The first one organized, the one at Galveston, Texas was born out of the great calamity that overwhelmed that city in 1900. There was little left of the city but wreckage. The old government had broken down. When the new commission took hold, the cry was "all hands off, and it was heeded and the commissioners did their best and succeeded.

What I mean by a real form is to put the entire business in the hands of the three or five men chosen, not a part into their hands while we delegate a part to others.

Select three or five men who are best fitted for the respective departments and put the entire responsibility upon these men. Select trusted men. Let all others keep their hands off and their tongues cleaving to the roofs of their mouths. (This is where the wings begin to sprout.)

These men may not know as much as some of the rest of us, probably not half as much, according to our own estimation of ourselves, for we always know more than the other fellows who are doing the work. That is, some of us do.

I noticed last summer while paving was going on here, while about twenty-five men were on the street doing the work about one hundred and twenty-five were on the side lines telling how the work should be done.

Most men are honest and when placed in a position of trust with the watchful eyes of the community upon them they will do their best to serve the community. If they do not, they will not do worse than has been done under our present form, and we have the ballot left to pry them loose from the office.

One thing is certain, with each commissioner placed in charge of certain parts of the government we know where to place the blame when failure or misconduct occurs, which is difficult under the present form in many instances.

Give us a strictly commission form, as was intended in the inception, not a half-baked one, and it will succeed. Give the whole government into their hands and then let all others keep their hands off. If they do not do things as you think they should be done let them alone. May be they know as much as you do. Let them serve their time out. If they do not run the

government with less money, they may give us more for the money spent than we are getting under the present form of, may I call it, mis-government. At least, I feel, that the commission form will prove more satisfactory than our present form.

Another form that has grown out of the commission form is what is known as the city manager system and if there is anything in our laws that will prevent this from being put into effect, our next legislature should be importuned to so revise the statutes that it can be done.

The manager system was first put into practice in Staunton, Virginia in 1908 because the statutes of the state prevented them from adopting the real commission form.

As the commission form had its first inception at Galveston, because of the great calamity there caused by the great waves from the Gulf of Mexico, so the manager system came out of a similar calamity at Dayton, Ohio when that city was inundated by the waters from the Miami river in March, 1913. The legislative functions there are under the city commission while the administrative or executive are in the hands of the city manager. This seems after careful consideration to be both sane and wise. While the manager is still under the control of the commission, he is given the power of appointing and discharging those in the various departments of the government, and in this way he is held responsible for the success or failure of the entire government.

Dayton pays her manager \$12,500.00 per year. This is a good salary but when it is stated that \$100,000.00 was saved to the city the first year under his management it is a small one.

A unique form of government has been adopted at Newport, R. I. Here one hundred and fifty-six men are elected by the city. These men meet and make the levy and instruct the five commissioners how to use it and they follow instructions.

Whether these forms are the best that can be devised is a question. It will be a long time before perfection is reached and if we wait until that is accomplished we will continue under the old form to the end of time. Even since beginning this paper word comes from Ashtabula, Ohio that another system has been brought out, a newer and more perfect one than that of

Dayton but facts are yet too meager to give them in detail.

There are nearly one hundred cities, situated in over twenty-five states from the Atlantic to the Pacific and from the Gulf to the Canadian border, that are now acting under some form of the commission government. Of these about twenty are being governed by the city manager system.

What is best to do? Which is the best form? These are questions to be carefully considered by the municipalities.

There are other questions or problems that I had hoped to discuss but time forbids a further continuance of this paper.

What I have said on the above two questions is only a very minute part of what could or should be said.

State Legislation for Municipalities

Hon. David E. Stuart, Council Bluffs, Before League of Iowa Municipalities

The city has not the inherent or natural rights enjoyed by the individual. The city is a creature of the legislature, and has no existence or power except such as is given by the legislature. The legislature giveth and the legislature taketh away, blessed (or otherwise, according to circumstances) be the name of the legislature. The city can be nothing and can do nothing unless there is found in the statutes an act of the general assembly providing the requisite power and authority, and this authority is found either in the general welfare clause contained in section 680 of the Code, or in some act applying to the particular subject.

From this it follows that as the cities can only function, as enabled to do so by legislation, they will be helped by legislation that is systematic, logical and broad minded, or they will be hindered by legislation that is chaotic, unreasonable or narrow. Therefore it is vitally necessary that they give careful consideration to this subject and look well to the legislation that is proposed to the general assembly.

LAWS WITH REFERENCE TO CITIES

It is a matter of common experience that a fact may be so illustrated that a clear idea may be gained by the use of the parable, and for the purpose of illustrating the law as it now is, I desire that you suppose the existence of a machine shop founded a number of years ago for the doing of the work of that time, which was not great in quantity or complicated in detail.

At the time of the founding of this shop and its start in business, a fairly reasonable and com-

prehensive system was devised and put into operation. The business, however, has grown with extreme rapidity, both in quantity and in the variety of work to be done.

From time to time as new tools, materials and various articles required by the expanding business were secured, they were thrown in a heap and have accumulated until a workman who is given a task, must sort over his heap of tools, material and appliances, sometimes at the expense of a large amount of time and labor, to see if he can find in the pile the material with which to accomplish the work required.

This is the status of the law with reference to municipalities in Iowa. We started out with somewhat of a system, but growth has been rapid, both in quantity of work and variety of duties. As the need arose from time to time, various cities have gone before the legislature and secured acts fitted to their special needs and conditions.

LAWS ALL IN A JUMBLE

This has been done until there is a varitable jumble of special enactments overlaying the general systematic law and it is necessary, whenever some important public duty is to be performed, for the officers having the matter in charge to expend weary days in sorting out the law to ascertain whether there is anything in this tangle that will enable the city to perform the work it seeks to do.

This applies to all cities alike, and recently there have been special enactments providing for cities under the commission form of government,

cities under a city manager plan, and cities under the general law with a limited city manager feature.

I will not undertake to say how many different kinds of proceedings there are for the issuance of bonds and the grave uncertainties that arise as to which method is to be followed, or the perils of making selection of the wrong method. This matter was thoroughly developed before you gentlemen at the meeting at Marshalltown. I need not dwell further on this because I am satisfied you understand the situation and are thoroughly convinced of the inconvenience the present body of law imposes.

BUSINESS CHARACTER OF THE CITY

The city is not a subdivision of the state or of the county, and yet it is in its nature governmental. Its functions, however, are mostly those of a business character as contrasted with those of a truly governmental nature form a comparatively small part, although the cities have had thrust upon them certain work of this character that in my judgement properly should rest upon the county.

The cities arise by reason of there being a large number of people living on a comparatively small area. This density of population furnishes both the need for and the opportunity to have certain common conveniences that are impossible to more thinly settled communities. In order to have these conveniences the co-operation of the individuals is necessary and voluntary co-operation is impossible to secure.

Therefore a scheme has been devised whereby the individuals may co-operate to secure these desirable conveniences, and in order that each member of the community may bear his just share of the burden, the compulsory form of co-operation is established by the laws of the state and we have a city government.

Its main business is to furnish a place where its people may live the broadest and happiest life and for that purpose to supply for the convenience and welfare of its people those facilities that cannot be furnished by individual effort, such as,

Pavements and sidewalks

Parks and playgrounds

Systems of drainage and sewerage

Systems of water supply

Systems of light and heat supply

Systems of garbage collection and disposal

Libraries

Amusements

Enforcement of sanitary conditions

and many others of like nature.

The needs of the cities are diverse. One city may have a drainage problem that is overshadowing in its importance, another may have a problem of sanitary sewerage that is vital to its welfare, in another the grading of the streets may be the most difficult and important question, and yet under our system of law, all are required to fit the bed of Brocrustes. If they are too long they are shortened, and if they are too short they are stretched.

HIGH COST OF LIVING OF CITIES

The demands of modern life are continually adding to the conveniences for common use which the inhabitants of cities are requiring of their city governments. Their people live more conveniently and comfortably than they did twenty-five or fifty years ago, and these conveniences call for the expenditure of increasing sums of money, with consequent increasing complaint from taxpayers.

But in my judgment the general level of taxation for cities purposes will not decrease but on the contrary will continue to increase as the people of the cities increase their demands for a higher scale of communal living. In our boyhood we sawed the wood for the kitchen and daily carried it in and deposited it in the wood box. Today the housewife turns the gas burner and strikes the match and that is all there is to it.

We carried the water from the dangerous well into the kitchen. Today the housewife turns the faucet, behind which there is a supply of carefully inspected and purified water.

We went down town on a plank sidewalk or in a dusty or muddy dirt road. Today if we walk, we go on a cement sidewalk, or if we ride, on a modern pavement.

Then we read such books and magazines as we could purchase or borrow. Today we have the literature of the modern world at our hand in a public library.

If we desired an outing we trespassed on the domain of some land owner. Today we have hundreds of acres of beautiful parks that are ours to enjoy.

THESE THINGS COST MONEY

I might stand and call over this roll for a

long time, but the main thing is that we are living much higher, and that we must expend more money if we intend to continue the expansion. I do not believe that the people of any of the cities will for a moment consent to forego the benefits of this higher scale of communal living.

The important consideration, then, is that their officers may be enabled to supply their people with the facilities they demand and are willing to pay for in the easiest and most convenient manner. If one community desires to throw a large portion of its income in the direction of the purchase of a park, another desires to concentrate its energies upon a drainage problem, and another desires to acquire facilities for the disposal of garbage, the law should be so shaped that each city may apply its revenues and resources in the direction desired by its inhabitants.

We find that our cities are hampered in their efforts to supply the demands of their people by a rigid system of laws ameliorated by specific acts of enabling legislation doled out from time to time.

NEED FOR MORE RATIONAL METHOD

One of the most serious hindrances we have to contend with is the method for assessment of taxation. All our cities, except certain favored ones under special charters, are compelled to raise their revenues on the assessment upon which all the other taxes are collected.

The situation is simply this. In times past, Jones was an assessor of a certain country township where the local needs for revenues were very light. Jones conceived the idea of making the assessment in his township very low, thereby avoiding the payment of very much state or county tax by the property in his township.

Various other townships also had Joneses for assessors who were his equals, if not his superiors in enterprise, and after Jones had "ducked," the others proceeded to "duck" under him, so that the assessment of property for taxation in Iowa has for years constituted a mutual "ducking" enterprise, each assessor seeking to get his township lower than the others, and thereby escape a portion of the state and county tax.

The cities were perforce compelled to do some "ducking" on their own account, else they would be compelled to pay the other fellows' state and county tax, but the cities in "ducking," necessarily reduced their revenues for local needs

and uses, and there was a point below which they could not "duck" and still perform their functions.

NOW RECOGNIZED BY LAW

The assessment law of Iowa started out on the theory that property was to be assessed at its full value. A few years ago the legislature recognized that this mutual "ducking" business had gone on until property was assessed at about twenty-five per cent of its actual value, and it adopted the situation into the law of the state, requiring that property be listed at its full value, and that twenty-five per cent of the property should be taken as its assessable value. The "ducking" still proceeds, and will proceed until there is some form of supervision of assessment for taxation whereby an honest return of values may be secured.

The cities have also been discriminated against in matters of taxation in several matters to which your attention has been called heretofore. For instance, although the cities have been for years spending immense sums of money for the building of high class modern paved roads, and although they owned a large percentage of the automobiles owned in the state, the law, until recently, generously provided that no part of the automobile tax might be expended within the limits of any city or town.

You are all familiar with the unjust discrimination in the matter of the taxing of the property of the railroads, and that the tendency has been, and is now, to discriminate against the cities in matters of this character.

I further desire to call your attention to the fact that unjust burdens have been placed upon the cities, not so much through law in this instance as through custom in requiring cities to see to the enforcement, within the city limits, of the state law.

In fact, until a few years ago, the sheriff's office, which was supported by the cities as well as by the rest of the county, gave scant attention to affairs within the city so far as the detection and punishment of crime were concerned, whereby there grew up the evil of city officers, being elected upon questions that were of minor importance so far as the business affairs of the city were concerned; that it got to be a custom to fight out city elections upon the question as to whether candidates were wet or dry rather than

as to whether they were capable of handling the large business affairs which would come under their control. I may say that I hope that this condition is rapidly passing and that the time is not far distant when this evil will disappear.

WHAT WE NEED

I have held up to you a condition that is hampering you in performing your duties to your people, and is hampering your cities in achieving improvements and acquiring the facilities they desired and are willing to pay for. It would be idle merely to call attention to the condition without the suggestion of a remedy, and while the remedy I suggest may not be the most desirable one, yet at least the suggestion of it brings us down to the question of remedies, which is the important one.

There has been made recently in Iowa by members of the league of municipality, members and committees of the various commercial clubs and others interested in the matter of city government, a very considerable study of the city problem, and legislation has been recently enacted, which, though applying only to special matters, bears the impress of expert work and careful study and consideration. In my judgment, the city problem is one that is pressing forward for immediate solution, and I believe that now there is existent the determination to devise and put into effect a modern scientific system of city government under a broad, intelligent and elastic code of laws.

As the very life and functions of the city are derived from the acts of the legislature, I think you will agree with me that the most important work of this league will be in endeavoring to shape the legislation of the future so that the cities may be enabled to accomplish their purpose in promoting the convenience, comfort and welfare of their inhabitants.

It seems to me that the time has arrived when this league should give its most serious thought to an entire rehabilitation of the laws with reference to cities; that its legislative committee should not confine its attention to the securing of enabling or ameliorating legislation to fit special instances, but should prepare to go before the legislature with a demand for a revision of this portion of the code which shall consolidate, systematize and simplify the law as it now is, incorporating therewith such new legislation

as shall be necessary to produce a plain, scientific, comprehensive and elastic system of laws for city government.

I believe that the time is near when there can be secured from the legislature the appointment of a commission to make revision of the laws on this subject. My judgment is that this league should carry that proposition before the legislature and urge its adoption, and when successful in securing the authorization of such commission, they should see to it that men are appointed who have expert knowledge of the needs of the cities and such a comprehensive grasp of the subject that the resulting revision will present a code of law of the character we desire, and that this revision shall not look to the past or to the present, but shall be made in view of the future as well.

COMMISSION CITY HAS FOUR MAYORS IN FOUR HOURS

The city of Memphis, recently set a pace in making mayors that will be hard to beat. Edward H. Crump, who had been removed as mayor last November, was elected at the regular election, but prevented from assuming office pending a supreme court decision, was finally installed, relieving the acting mayor. Mayor Crump then resigned and vice mayor Utley succeeded him. Papers in an ouster proceeding were being prepared against him however so he resigned and Thomas Ashcroft was elected to the office. This might be an argument in favor of the commission form but the chances are that had this happened under the general law all the reformers in the country would have used it as an argument against that system. It might be that the commission plan has not been an unqualified success in Memphis.

RED OAK MOURNS MAYOR

Hon. A. J. Sourwine, mayor of Red Oak died February 4. The delegates at the meeting of the League of Iowa Municipalities will remember Mayor Sourwine as one of the active representatives. His interest in municipal affairs was so notable that President Cole appointed him chairman of the department of cities under the General Law. The members of the League join with the citizens of Red Oak in their sorrow over the death of Mayor Sourwine.

Supreme Court Interprets Iowa Paving Law

In a recent case from Bloomfield, Iowa, the supreme court passes on the present law in relation to paving and interprets the same especially in regard to preliminary notices and the time for filing specifications.

The city of Bloomfield passed a resolution to pave which resolution in setting out the materials to be used, used the following words; "the material proposed to be used in constructing said pavement, guttering and curbing is sand gravel, rock, cement, brick, pitch, asphalt and wooden blocks, and any one, more than one, or all of said materials may be used in such proportion and manner as may be found advisable and finally determined upon and adopted by the council." Afterwards the council amended the resolution to include asphaltic concrete.

On June 24, 1912 bids were received and opened on the next day the council rejected all bids and new plans and specifications were adopted and proposals for bids under these new plans and specifications given. On July 16 the new bids were opened and under these bids the contract awarded and the work done.

Many objections and exceptions were taken before the city council, but the main contention was over the question as to when the plans and specifications should be on file. These plans were not adopted at the time of the passing of the original resolution but were adopted and on file in the city clerk's office before the notice of proposal for bids as given and the final notice to bidders referred to these plans and specifications. The notices did not state the exact method of construction or the kind of material to be selected but it was stated that the materials when selected be used in such proportion as "may be found advisable and finally determined upon and adopted by the council".

In dealing with the question as presented to the court the supreme court says: "This manifestly had reference to the preparation of proper plans and specifications and the adoption thereof before proposals for bids were made or at least before notice thereof was given.

Such plans and specifications were procured, afterward amended and finally adopted before final notices of proposals for bids were published. The real and only question then is; Was this a sufficient statement of the method of construction or rather were the plans and specifications referred to timely or should they have been embodied in the resolution of necessity or placed on file before that resolution was finally adopted, instead of being placed on file after the adoption of the resolution and before requesting proposals for bids? This is the crux of the case.

The manifest purpose of the initial resolution and of the notice thereof is to bring before the parties in interest the question as to whether or not any pavement should be laid and to give an opportunity to be heard upon that question. It is not now required that the resolution state the exact kind of material to be used and hence plans and specifications for each kind at that time would be useless and expensive formality. Doubtless the general question of whether the pavement if established should be of brick, concrete, asphalt, asphaltic concrete or creosote blocks or something else might be a proper matter for consideration; but detailed plans and specifications involving expert advice and service would answer little purpose. After the question of pavement or no pavement is decided the next question is the material to be used and finally the method of construction. Upon these latter questions the council having acquired jurisdiction by giving the original notice and the adoption of the resolution, held it for—further consideration of the kind of material to be used and the method of construction and every one in interest was bound to take notice of the adjournments necessary to accomplish that purpose. If the council in its wisdom concluded that it was not wise to select the material and adopt methods for construction until after bids were received as was doubtless the case and after procuring them all parties in interest were protected by the notice given to bidders, which made specific reference to these plans and specifications. This protec-

tion was afforded here and all bidders were advised not only of what they might bid on but the methods of construction of the different kinds of material.

Property owners were either required to take notice of these proceedings, for no other notice is required; or else they are bound by the published notice of proposals for bids; and in either event they had the right when these bids were opened for consideration to object to the kind of material and the method of construction under which the bid was made. This is to say, they had the right for example to say that the bid for brick pavement should not be considered because the plans and specifications for that kind of pavement were inadequate, whereas the bid on asphaltic concrete although perhaps higher should be accepted because the method of construction guaranteed better results. In other words the right of the property owners are sufficiently guarded in this respect. It is true that the statute says the proposed resolution shall state "the method of construction", but under the law as it stood before its amendment it was held unnecessary to have plans and specifications at the time the resolution of necessity is passed. *Gilcrest vs city of Des Moines*, 157 Iowa 525; *Nixon vs city of Burlington*, 141 Iowa 322; *In re Apple*, 161 Iowa 314. In the Nixon case it is said:

"It is true that the statute (Code, section 810) requires the resolution to state, among other things, the kind of pavement proposed and the method of construction but this, we think, does not make it mandatory that all details of the materials to be used and the method and manner of their use shall be set forth in the preliminary resolution".

Since that time it has been held that the plans and specifications need not be filed until needed for the purpose of securing bids. See *Miller vs Oelwein*, 155 Iowa 706. In that case the court said:

"Such plans and specifications are for the

purpose of entering into a contract, and not for the purpose of advising the property owner of the nature of the proposed improvement."

In the Nixon case, *supra*, it was held unnecessary to do more than state in the original resolution that the pavement was to be constructed of brick (as the statute then required that the kind of material should be stated) as it should be understood that the engineer would prepare suitable plans and specifications for the construction of that particular kind of pavement. The Gilcrest case also affirms the same doctrine. These cases seem to settle the only proposition relied upon by the appellants and it follows that the district court did not err in sustaining the assessments".

COWARDICE GREATEST SIN

The San Francisco civil service commission have compiled a system of demerits for the police department that is interesting as showing the importance attached to the different offenses. Under the rules eighty credits will be allowed for a clean record as a member of the Police Department, and deductions, not exceeding a total of eighty credits, will be made, in accordance with the following schedule, for each conviction on charges before the police commission:

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Insubordination	25	Intoxication.....	50
Neglect of duty.....	20	All other offenses....	20
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FOR SALE—Six gasoline street lamps in good working order, will sell cheap as have installed electricity. Write for information to J. J. Hamilton, Town Clerk, Epworth, Iowa

FOR SALE—"The city of Oskaloosa, Iowa has for sale one Studebaker Pneumatic street flusher, one team of gray horses, two sets of harness, one patrol wagon, one fire wagon; all in good condition. The flusher has not been used very much. Our reason for selling is that we are motorizing the entire police and fire department. Make us an offer." T. H. Carlin, City Clerk

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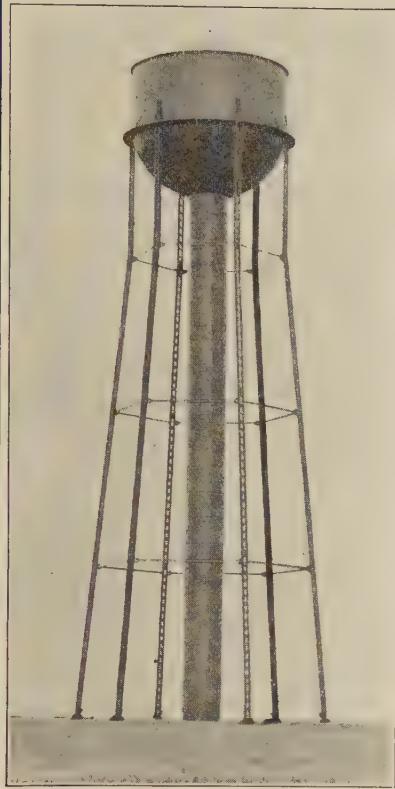
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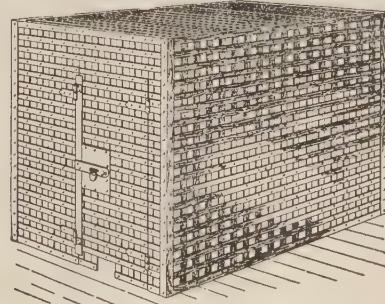
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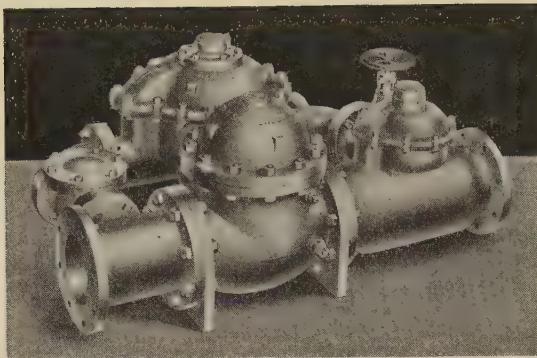
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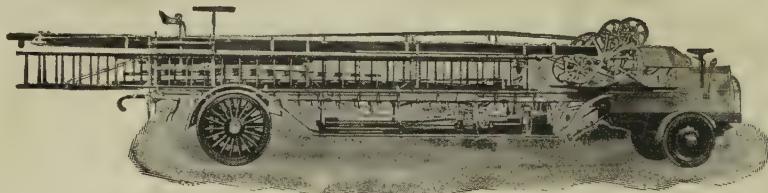
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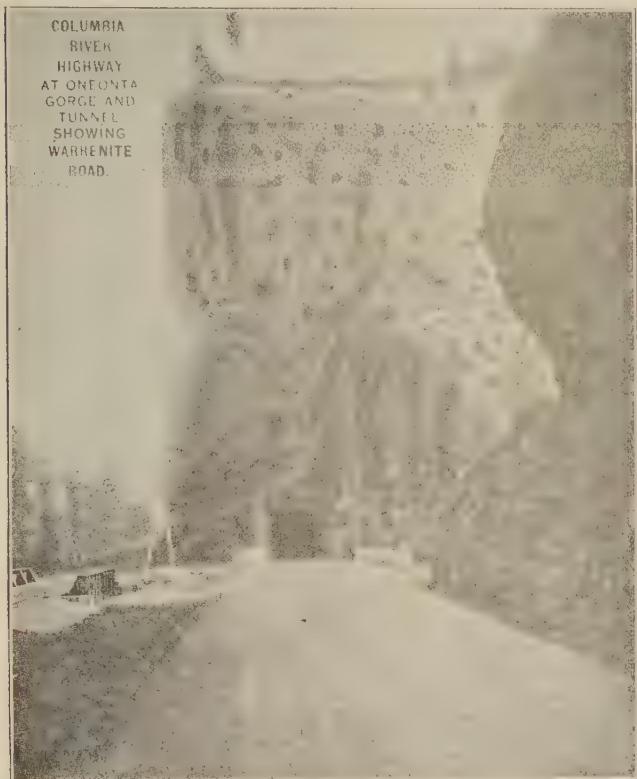


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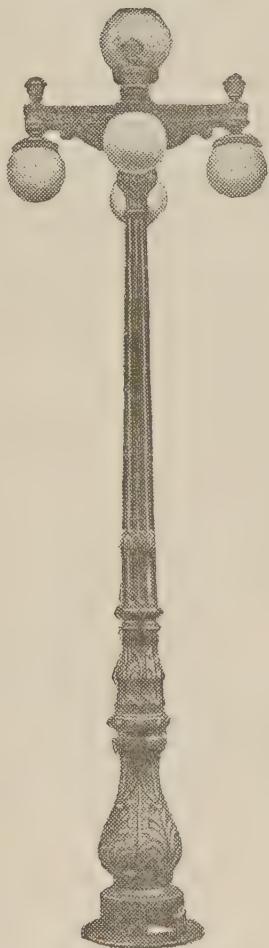
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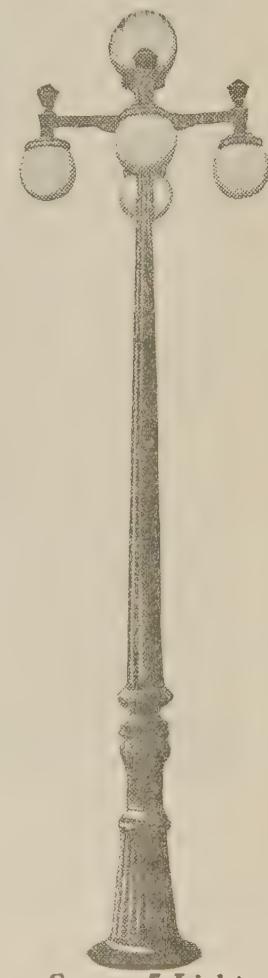
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American Municipalities

April, 1916

Vol. 31, No. 1

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

OFFICIAL BULLETIN

League of American Municipalities

President, Mayor Martin Behrman, New Orleans
Secretary, Robert E. Lee, Baltimore

League of Iowa Municipalities

President, Dr. J. F. Cole, Mayor, Oelwein
Secretary, Frank G. Pierce, Marshalltown

League of Nebraska Municipalities

President, J. W. Mayer, Mayor, Beatrice
Secretary, Hon. Rosco C. Ozman, Lincoln

Published by
Municipal Publishing Company

Marshalltown, Iowa

Frank G. Pierce, Editor

Subscription Price, - - - \$2.00 per year
Advertising rates made known on application

TO MUNICIPAL OFFICIALS

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COMMENT

I want to impress on all municipal officials and on all interested in the best development of municipal government the importance of nominating and electing the right men to the state legislatures.

If we sit idly by and let the corporations elect the men whom they control to the legislature we cannot expect to get laws passed in the interest of the municipalities and their citizens.

Find out the position of the candidates before the primary and election, and if some man is opposed to those laws that are needed by the cities and towns, vote for some one else, some one who will represent you.

It is not so much a question of party affiliation as it is whether the candidate will be controlled by the corporations or by the will of the people.

Every municipality should have a clean up day or week, and April is the best month in the year to do this annual municipal house cleaning.

It is a sad commentary on municipal efficiency that clean up days or weeks are necessary, we should keep our cities and towns clean all the time, but so long as we will not do that, the next best thing is to clean up at least once a year.

If you have not outlined your improvement plans for the present season you should get busy and do so at once as you will get lower prices early in the season, and the contractor can complete the work before cold weather next fall.

Especially in concrete paving the work should be done before there is any possible chance for freezing in the fall, and the only way to do this is to let the contracts early in the year.

The clerk should at once send in the names of the new officials in order that they may receive American Municipalities.

Complaint is sometimes made that the official do not receive the official magazine but when the fault is investigated it is usually found that the clerk has neglected to send in the new names.

If you have not paid your dues in your state League make arrangements to send in the amount at once as no city or town can afford to drop its League membership.

Can The People Be Trusted

Every argument against the granting of more powers to the cities and towns is based on the premise that the people cannot be trusted. On this premise every argument is founded. It is important therefore to decide in the first instance whether this is true.

In a republic or a democracy it must be the rule, that the majority shall control. Just as soon as the ballot is limited to a class or classes, selected by themselves, the people cease to rule and power becomes more and more centralized until we have an aristocracy or an empire. The people should oppose every move to limit their powers and should never vote for a candidate for any office, and especially for a candidate for governor or member of the legislature, who has ever taken the position, or is apt to do so in the future, that the people are incompetent to manage their own affairs.

When a candidate asks you for your vote, either at the primary or at the election, find out if he believes you are competent to decide the local municipal questions that must be decided, or in other words, if he is willing to trust you and John and Bill to decide your own local affairs. If he believes you incapable to intelligently settle these minor business questions, do not let him bunk you into voting for him, to represent you. If you cannot intelligently decide your local questions you certainly cannot decide as to who should represent you in the state legislature. The fact is that if you will use the same judgment in selecting your candidates for the legislature that you spend in settling your minor questions, many a member of the last legislature will be elected to remain at home until he is willing to place the same trust in the people, that he asks the people to place in him.

Whenever and wherever the statement is made that the people cannot be trusted, look into the affiliations and business connections of the one making the statement and somewhere you will find either a corporation as an employer or a few shares or bonds of a corporation reposing safely in the strong box. In nine hundred and ninety-

nine cases out of a thousand an argument based on the premise that the people cannot be trusted emanates from a corporation brain.

In fact, the people can be trusted, in a country such as ours they must be trusted. In politics and even in religion it is the will of the majority, expressed in one way or another, that makes our laws and religious beliefs. Laws and religion change just as the people change. In the vast majority of cases the people as a whole decide a public issue more nearly right than will a gathering of lawyers, or bankers, or manufacturers, or laboring men or publishers or any other one class.

The one thing on which every true lover of his country should insist is that the representatives of the people should trust the people. It is a thousand times safer for the representative of the people to trust them, than for the people to trust their representatives. The man who will not trust the people, who takes the position that the people are incompetent to decide for themselves, who believes that the citizens of the cities and towns cannot solve their strictly local questions, but that they must be constantly under the guardianship of the members of the legislature, is not a man who can intelligently represent the people. He distrusts the very ones who employ him, who elect him to office. He is a man whom it is dangerous to trust. If a candidate will not trust you; you should not trust him. Vote only for those candidates for the legislature who believe in the people rather than in the corporations, who believe in democracy rather than aristocracy, who believe in humanity rather than the dollar, and who will endeavor to carry out the will of the majority rather than the will of a small minority as enunciated by some corporation representative.

Bonds for the municipal water works improvements for Everett, Washington, have been sold and the plans will be completed about April 15th; bids will be received a few weeks later. Cost of extensions and improvements \$600,000.00.

We Have With Us This Day

ALFRED CHRISTIAN MUELLER

Once in a great while some one gets away with political preferment in spite of all the handicaps of being born in a city, with plenty of coin of the realm, being educated in several lines, and known to all who vote for him. Such a dope upsetter is the Hon. A. C. Mueller of Davenport, and believe, me, he is some upsetter.

Alfred was born in Davenport, June 14, 1875. From the fact that he was born in Davenport and the further fact that his name is Mueller, notice the Mue, you might infer that he is of German descent. Your inference is correct. Alfred is of German parentage, not a



German-American, but an American with German ancestors.

Alfred Christian can speak all kinds of German, and some are so mean as to claim that when he runs for office, he gets the German vote by talking low German, whatever that is, to the voters. If he can talk both high and low German, he ought to be able to get them coming and going.

He is educated with the big E. Look over the record please. Davenport High School,

German School and Business College, Polytechnical School, Hanover, Germany, Law Department State University of Iowa, Columbia University Law School, New York City. He is educated from Davenport to Hanover, from Iowa City to New York. I knew he was a lawyer, but only recently discovered that he is a Polytechnicaller.

If he has been entirely honest and in 1910, when he was candidate for mayor the first time had his cards printed Alfred Christian Mueller, Polytechnicaller, he never would have been elected in a thousand years. The people of Davenport thought he was only a lawyer and business man.

Oh yes, he is some busy little business man. What has he done in business? Look it over. Auditor, Mueller Lumber Company, Director of same company and of Christian Mueller Land and Timber Company. Then he got promoted to President of Mueller-Bayliss Lumber Company, and is a director of the Iowa National Bank.

Among his minor activities he has served as mayor of his native city six years, been elected three times. And this brings us to the most remarkable event in his career. He refused to be a candidate for another term. (Great applause) You don't really believe it. Really it is true. He without doubt could have been elected again but said, Nay, Nay, Pauline, me to the quite life of a private citizen.

During all his years as mayor, Alfred has been greatly interested in the League of Iowa Municipalities and in the development of municipal legislation. He served as President of the League, as chairman of the Legislative Committee and chairman of the committee on Home Rule. In fact he is the pioneer in the movement for local self government.

There is one thing that ought to be some little satisfaction to this Davenport Cincinnati, and that is, that he returned to his vines and fig trees, with the respect of love of every one of the many hundred men in Iowa, who have met him at the different conventions of the League of Iowa Municipalities. In the words of a play now popular on North Clark Street, Chicago, So Long Alfred.

Taming Automobile Speed Fiend

How Chicago Has Conquered a Menace and Solved a Problem

The reckless autoist has been tamed by Chicago so that he will now eat out of the hand of the most timid and humble pedestrian. And the task, that is regarded in the East as almost hopeless of accomplishment, was performed so easily that it was hardly discussed and attracted but passing notice. Today, an automobile accident is a rare happening in the great Western metropolis, although its boulevards and streets are crowded with the vehicles. During a recent visit of the writer to Chicago not a single motor accident was chronicled in the newspapers in the course of a week. Chicago people never refer to the subject except to express amazement at the slaughter of the innocents in Eastern cities and to marvel that no steps are taken to reduce if not absolutely control, the menace.

An incident that happened the writer will best illustrate the conditions of the automobile traffic in Chicago. He was walking along Michigan Boulevard, one of the busiest and handsomest thoroughfares in the world, and as he reached the curb of Harrison street, saw three immense limousines bearing down on him at a high rate of speed. Instinctively he sprang back, knowing that in any Eastern city an attempt to cross in front of them meant instant injury or death.

The pavement of the boulevard was thronged with men, women and children and from the midst of the crowd piped a shrill, youthful voice, "Aw, gone on, or you'll never get across." With amazement, not unmixed with horror, the visitor saw the crowd keep on its way across the street without a glance to right or left and without any acceleration of its pace. Knowing what would have inevitably happened in the same circumstances, in any Eastern city, he expected to witness a scene of carnage, but nothing took place and the crowd continued serenely on its way. Glancing at the three big cars he saw that they had come to a dead stop and the chauffeurs sat patiently awaiting a break in the tide of pedestrian travel. When this occurred they

slowly moved across the street and then "hit it up" at a lively rate down the boulevard.

There are few crossings on the East side of Michigan Boulevard, as the Lake Shore Park runs between the avenue and the Lake from Twelfth to Randolph street. Consequently, the automobiles are permitted to travel at a good speed along the boulevard and, in this way, make about the same average as on streets where in the East, the rights of the pedestrian are not respected, nor even recognized. It is worth while mentioning that there was no traffic "cop" stationed at the corner of the boulevard and Harrison street at the time of the incident here related.

It was a strange, almost a weird, experience and one calling for investigation and explanation on the part of a pilgrim from the East. With this in view the writer walked through the "Loop District"—which is the business section of Chicago and one of the most highly congested of any city in the world—for hours studying the traffic conditions. At some street intersections there were as many as eight traffic policemen, but their services were seldom called into requisition so far as the automobiles are concerned, nor even the taxis, which are very numerous. There are no jitneys in Chicago, although thousands of cars went into service and reaped a harvest during the recently trolley strike. But when the latter was over they retired from business, probably because the taxis are the finest of any city in the country, if not in the world, and their tariffs are so reasonable that the jitney would stand but little chance in the competition with them. The taxi drivers are as well trained as those of the private automobiles and not once throughout the tour of observation through the "Loop District" was a traffic cop seen to halt or admonish a chauffeur.

When the investigation of this phenomenon of taming the automobile speed fiend had been concluded the writer sought an explanation of it and a former States Attorney of Chicago furnished

it. About a year ago the chauffeur of a wealthy citizen, a notoriously reckless driver, ran down and killed an old man. He was arrested on the spot, tried on the charge of manslaughter, convicted and sentenced to fourteen years in the penitentiary at hard labor, a sentence that he is now serving. This swift and practical illustration of what has become known as "Jersey Justice" had the immediate result of making every automobile owner and driver in Chicago sit up and take notice.

The authorities proclaimed that the traffic laws applying to automobiles would be strictly enforced and, to this end, a member of the Municipal Court was detailed to devote his time exclusively to the consideration of cases involving infractions of the traffic laws as applied to automobiles. This judge announced that he would adopt the uniform rule of inflicting the maximum fine on every offender brought before him and adjudged guilty of deliberate violation of the traffic laws; that there would be no minimum nor midway fines, only the maximum, which, as in Atlantic City, is \$200. And he has stuck to this rule.

But the most remarkable part of the story remains to be told. Since the conviction and imprisonment of the chauffeur there has been no fatal accident nor killing of a pedestrian by an automobile in the city and the violation of the traffic laws has become so rare that the automobile branch of the Municipal Court has but little to do and the presiding judge will probably be detailed to the consideration of other cases in addition to his present work.

While it would seem at a glance, that the strict enforcement of these laws would tend to impede the progress of traffic on the streets of Chicago, this does not appear to be the case. The automobile traffic, for the most part, regulates itself and, as said before, these vehicles are permitted to make good speed between street intersections, pedestrians being sternly warned never to cross except at the street intersections. Horse-drawn and slow-moving vehicles are handled with expedition at street crossings, all stopping and starting promptly at the signal of the whistle. The number of traffic policemen at street intersections in the congested sections of the city varies from two to eight, the usual number being four. While they are quick and

alert and strictly on the job, they still stick to the old system of signalling by whistle instead of by semaphores like those introduced by Director Bartlett last summer on Atlantic Avenue. The only semaphore seen by the writer in Chicago was an experimental one located far beyond the limits of the "Loop District." There is no doubt that this system is far superior to the whistle as a means of speeding the traffic as was amply demonstrated on Atlantic Avenue last Summer.

Perhaps the most striking example of the discipline that has been enforced on the automobiles of Chicago is afforded at the intersections of Randolph street and Michigan Boulevard. On the lake side of the latter thoroughfare is the terminal station of the suburban system of the Illinois Central from which crowds of people are discharged at five minute intervals throughout the day and far into the night. As this is the point of confluence of traffic between the North and the South sides there is always a continuous line of autos and taxis moving in both directions, but these lines stop instantly, without a signal, until the passengers from one train have crossed the boulevard and then speed up to regain the lost time.

There is a moral concealed in this little story, else it would not have been told, and the moral should not be hard to find. If Chicago, a head long city of more than three million inhabitants, can solve a momentous traffic problem without a kick from the automobilists, then its solution should not be considered as hopeless in a much smaller community.—Atlantic City Commission Government.

A SURE EXCUSE

"I want to be excused," said the worried looking juryman, addressing the judge. "I owe a man \$25 that I borrowed, and as he is leaving town today for some years I want to catch him before he gets to the train and pay him the money."

"You are excused," returned judge in icy tones. "I don't want anybody on the jury who can lie like that."—Toledo Blade.

Plans for filtration plant and water works improvements are in progress for Glendive, Montana. Estimated cost \$65,000.00. Bond election called for May 15th.

POLICE POWER FOR MUNICIPALITIES

Governments often bring hardships on the individual. Men must give up their lives in battle that their government may live. Vast amounts of property of individuals are annually destroyed for the benefit of the community. The exercise of the police power frequently tramples under foot the right of a citizen for the benefit of other citizens. We cannot complain, for the government must be maintained. Otherwise, our citizenship would be held for naught. A certain law-abiding citizen buys a piece of land near the corporate limits of a growing city. His land contains valuable deposits of clay suitable for brick-making. He develops such an industry. The city continues to prosper, and extends its boundaries to include his brickyards. Other citizens build fine homes in his locality, and finally, acting in a public spirit, they seek to suppress the manufacture of brick in the locality, because of the annoyance to them. A municipal ordinance is enacted in good faith as a police measure prohibiting brick-making within this designated area. Our first citizen has lost a profitable business in order that the community may enjoy a purer atmosphere. He appeals to the courts, and finally his contention reaches the Supreme Court, which says: "There must be progress, and if in its march private interests are in the way they must yield to the good of the community. The logical result of petitioners's contention would seem to be that a city could not be formed or enlarged against the resistance of an occupant of the ground, and that, if it grows at all, it can only grow as the environment of the occupations that are usually banished to the purlieus." *Hadacheck v. Sebastian*, 36 Supreme Court Reporter, 143.

FALSE ECONOMY UNDER THE COMMISSION FORM OF GOVERNMENT

From several quarters the complaint has arisen that a serious fault in the commission form of government exists in the temptation to discharge experienced employes to save their salaries while their duties are nominally assumed by one of the commissioners. This form of economy is likely to be more apparent than real, though this is not necessarily the case. At the outset it should be noted that a municipal corporation,

fortified with the taxing power, is not justified in resorting to the extremes of retrenchment sometimes enforced by circumstances on private business corporations. The latter form of corporation may be forced into a nickel-saving, dollar losing form of economy which the former can easily avoid by exercising its taxing powers. There has been a vast amount of talk about running a city on business principles and about managing the city's business by the same methods employed in private business enterprises. This is all very well when done consistently, but the municipal corporation should not blindly copy some of the procedures forced upon private corporations.

An interesting illustration of the point under discussion has just come to hand. Not a great while ago a certain city installed a water filtration plant. A trained engineer represented the filter company during construction. He is a thoroughly competent man. He remained in charge of the filter plant following its completion and was made superintendent of the entire water department. He did a great deal to improve the system, and his work was highly appreciated by competent critics. Then came an election. A man ran for the office of commissioner of public property on an economy platform. After the election he redeemed his pre-election pledge to assume direct charge of the water department and to discharge the highly paid superintendent. The deposed superintendent had been receiving \$2,400 a year. The commissioner is not an experienced water works operator.

Under such a set of circumstances it is not difficult to see that while there is an apparent saving of \$2,400 a year there may be an actual loss much greater than that figure. This loss may be made up of three principal elements: higher maintenance and operating costs, poorer service and a poorer grade of water. The first is readily evaluated, the other two are not, but they may run into much money in a year.

In general, unless the commissioner is a trained and experienced engineer, he is practicing doubtful economy when he assumes the duties of such a man to save the latter's salary. This is a backward step in municipal government, though taken under the cloak of a new form of city government.—Engineering and Contracting

Septic Process Protective League

Organized by Representatives of Municipalities and Boards of Health

The National Septic Process Protective League, was formed at a meeting of the League of Iowa Municipalities, held in Des Moines, Iowa, on March 14, 1916. Dr. H. M. Bracken, of Minneapolis, Secretary of the Minnesota State Board of Health, was elected President, and F. G. Pierce, of Marshalltown, Iowa, Secretary-Treasurer. The object of the League is to defend all suits filed against its members for the infringement of Cameron Septic Tank patents. All municipalities, corporations, companies, and individuals interested in sewage disposal are eligible to membership, subject to the approval of the executive committee, upon the payment of the proper fee.

Quite recently a number of Iowa municipalities have been notified by the Cameron Septic Tank Co. of patent infringement for the use of septic tanks, filters, and other appurtenances of sewage disposal plants. To consider the claims of the Cameron Co. for royalties on sewage disposal plants, a meeting of the League of Iowa Municipalities was held in Des Moines on March 14, 1916. Dr. J. F. Cole, President of the League, presided.

Prof. A. Marston, of Ames, Iowa, discussed the development of septic tanks and the litigation in regard to the claim of the Cameron Co. for royalties. H. E. Sampson, assistant attorney general of Iowa, explained the legal status of the Cameron claims, especially in the light of the recent decision against the city of Winchester, Ky.

Following a general discussion, a committee was appointed to report upon a plan or organization. The committee brought in the following resolution, which was adopted.

Whereas, the Cameron Septic Tank Company, of Chicago, is making demands upon municipalities throughout the United States for the payment of excessive royalties, on account of a certain alleged patent which it claims to own; and,

Whereas, this conference has been advised by able attorneys that in their judgment the

alleged patent of the Cameron Septic Tank Company has already expired, and that it is no longer a live and valid patent upon which royalties can legally be collected; and,

Whereas, it is the judgment of those from the several states represented in this conference that the interests of the tax payers and general public can best be protected by contesting the validity of said alleged patent, by ascertaining the scope of its valid claims, if any there be, and by refusing to pay any and all royalties to the said Cameron Septic Tank Company on account of said patent, until after the courts of final jurisdiction have upheld the validity of such patent and the liability for such royalties; and,

Whereas, the expense of defending suits of this character would prove burdensome to a single municipality; and,

Whereas, the benefits which would accrue from such a suit, if successfully contested, would prove of value to all of the municipalities from which royalties are being demanded, and particularly to the tax payers of such municipalities; now, therefore, be it

Resolved, that the National Septic Process Protective League be, and the same is hereby formed, for the purpose of aiding in the defense of any suit brought by the Cameron Septic Tank Company, against any municipality, company, corporation, state institution, or private individual which is a member of this League, when such suit involves the validity of said patent.

The committee presented the following report, which was adopted:

It was agreed to recommend that a league be formed, to be known as "The National Septic Process Protective League", with officers as follows: President, Vice-President, and Secretary-Treasurer. To also have a Board of Directors made up of two representatives from each state, and an Executive Committee, consisting of the officers of the League and four of the Board of Directors, chosen by the Board of Directors.

It was further agreed to recommend that the

membership be unlimited, open to municipalities, companies, corporations, state institutions, and private individuals interested in the sewage disposal. All members to be subject to the approval of the Executive Committee.

It was agreed to recommend that assessments for raising funds to carry on this work be based on the population of the municipalities, graduated as follows:

Less than 2,000 population.....	\$10.00
2,000 to 5,000 population.....	15.00
5,000 to 10,000 population.....	20.00
10,000 to 20,000 population.....	25.00
20,000 to 50,000 population.....	30.00

Over 50,000 population..... 35.00

Subsequent to the adoption of the above report, a permanent organization was effected, with the following officers:

H. M. Bracken, President; Elliott Kimberly, Vice-President; F. G. Pierce, Secretary-Treasurer.

EXECUTIVE COMMITTEE

C. A. Haskins of Kansas; Paul Hansen of Illinois; Lafayette Higgins of Iowa; A. Marston of Iowa (advisory member). The officers of the League Ex-officio Members.

The following Board of Directors from several states were duly elected. The Secretary, to the advice of the President, was instructed to complete the list of directors from the different states.

BOARD OF DIRECTORS

Iowa. Dr. J. F. Cole—President League of Iowa Municipalities. Lafayette Higgins, Engineer State Board of Health.

Kansas. C. A. Haskins—Engineer State Board of Health. (One other director to be chosen.)

Ohio W. H. Dittoe—Engineer State Board of Health. (One other director to be chosen.)

Illinois. Langdon Pearse of Chicago. Paul Hansen—Engineer State Board of Health.

California. W. J. Locke—Secretary League of California Municipalities. Chas. G. Hyde—Consulting Engineer State Board of Health.

Minnesota. H. A. Whittaker—Minnesota State Board of Health. G. A. Gesell—Secretary Minnesota League of Municipalities.

The meeting was attended by about thirty-five delegates, representing the states of Iowa,

Kansas, Minnesota and Ohio. It was further recommended that two delegates should be chosen from states not represented, upon the approval of the President and the Secretary, as members of the Board of Directors.

The Secretary was directed to correspond with a competent patent attorney to serve as attorney for the League.

It is interesting to note, as brought out in the discussion, that the alleged infringement of the Cameron Septic Tank patents are not confined to what are frankly called "septic tanks", but extend "to those which employ putrefactive reduction of sewage solids, but which for purposes of evasion have been styled 'sedimentation' or 'settling tanks', as well as to the more recently exploited 'Imhoff', or 'two-story' Septic Tank."

It is further important to note that the terms for licenses are based on the cost of the plant, upon the length of time it has been in operation, and are three per cent per annum on the original cost of the complete plant and subsequent additions. "Including the tanks, contact beds, filters or other appurtenances, for the number of years each plant has been in operation to date of settlement, plus an additional three per cent for the remaining unexpired term of the patent."

ON MERIT NIT

Among the list of employees of the Iowa Dairy and Food Commission, as published in Bulletin, is W. B. Barney Jr. As W. B. Barney Sr., is the Dairy and Food Commissioner it is reasonable to suppose that Barney Jr., is son of Barney Sr. When boy holds a public position under his father who happens to be a public official the inference is that he is appointed on account of his parentage and not on account of his merit. The Iowa Dairy and Food Commission evidently believes in getting while the getting is good.

MUNICIPAL OWNERSHIP TOWN OUT OF DEBT

The town of Alta is out of debt, the council having paid off \$6,200 bonded indebtedness February 1. The municipality owns its own light, water and heating systems, free from indebtedness, and the annual business is more than \$20,000, a showing few towns under 1,200 can make.

Selling Municipal Bonds

By Sanders Shanks, Jr., Secretary, The Daily Bond Buyer of New York City, N. Y.

A Chicago investment banker, whose name is familiar to hundreds of middle western counties, cities and villages as a frequent bidder for municipal bonds, made the statement a few weeks ago that, unlike business corporations that borrow money, municipalities exercise little, if any, judgment in selecting the best time to issue long term bonds, being entirely satisfied simply to dispose of a bond issue when funds are needed, regardless of the cost of borrowing the money.

Unfortunately, many city officials lack a practical knowledge of the game they are called upon by their office to play. A city treasurer, under our peculiar form of local government, is not always chosen because of his qualifications as a banker and, hence, cannot always be expected to know the ins and outs of Wall or LaSalle Streets, as do the wily bond men who come to buy his city's bonds.

Another deplorable fact is that, even when a city treasurer is qualified by training to handle the financial end of a city's business, he is sometimes so hampered by antiquated state laws, local ordinances, charter provisions and other legal "red tape", that the most business-like course is not always open for him to pursue.

But in spite of these drawbacks, it is the belief of the writer that the average county or city treasurer of today is somewhat more of a financier than his predecessor of yesterday, and that he is desirous of arranging his borrowing operations to fit the tendencies of the investment market to demand higher or lower interest rates.

The other day a dealer in municipal bonds inquired regarding the probable output of municipal bonds this year. "With such a splendid investment demand as we are sure to experience for many months", he said, "I should think all the counties and cities would be encouraged to issue many more bonds than they have in recent years".

And probably this will be the case.. While last year's output of municipal bonds was about five hundred million dollars, it is a fact that

many contemplated issues were abandoned on the advice of bankers who counselled retrenchment in public expenditures because of the war, and in the closing months of last year there was a distinct scarcity of new issues in the market. Now that the investment situation is reversed, cities may be expected to answer the call of investors with many new bond issues.

This year we have already seen an advance in bond values that has materially reduced the cost of borrowing money through the sale of long term bonds. And on all sides, bankers are agreed that municipal bonds will appreciate even more before the upward movement stops.

In 1916 it is not at all unlikely that a total of six hundred million dollars will be raised through the sale of state and municipal bonds. Taking this huge sum as a whole, the importance of obtaining this money at a rate of interest, say one-half of one per cent, cheaper than it could have been borrowed a year ago, or than it may be possible to borrow it a year or two hence, is apparent.

The income tax law, under which holders of municipal bonds are "trouble-free, as well as tax-free, is largely responsible for the present "bull" market for municipals. American counties, cities and towns have always been "favored" borrowers because of the security behind their bonds. But now, in selling securities, they offer an additional advantage—viz: exemption from federal and, usually, local taxation.

Here are a few pointers for the city official which may help him to attain the best results in negotiating a sale of bonds:

(1) If possible, retain one of the prominent bond attorneys to approve the legality of your issue and advertise the fact that this favorable opinion will be furnished the successful bidder. Experience has shown that cities following this course usually get back in additional premium more than the cost of such attorney's opinions.

(2) Be sure the interest on your bonds is

payable semi-annually and that both principal and interest is payable in New York or Chicago.

(3) Let your bonds mature in annual installments. The "serial" bond is the most popular with investors and the most economical for the taxpayer.

(4) Before fixing the interest rate the bonds are to carry, ascertain the condition of the money market and then name a rate of interest as close to the rate you expect to pay as possible. In other words, if you think you can borrow at a net rate of 4.40%, let your bonds be 4½'s not 5's. The average investor does not like to pay a big premium.

(5) Do not try to do the legitimate bond dealers out of a commission because the demand for bonds is good and some of your local people want a few of your bonds. The dealer is doing you a valuable service year in and year out. Without his help, half of your schools and court houses and roads would never have been built. And, besides, the dealer, through his wide distributing power can usually afford to pay you a better price than a local bank or capitalist. He, at least, pays what the bonds are worth and if any patriotic citizen wants to pay more you are taking an unfair advantage of him when you accept his offer.

(6) Advertise your bond offering. In many states, the law compels municipalities to advertise in local papers. This does little or no good, because the bond dealers do not see these local papers. The proper way to reach the hundreds of investment bankers that specialize in municipal bonds is through a financial paper making a specialty of municipal bond news. The insertion of a "notice of bond sale" in such a paper will place a description of your bonds before all the bankers and will result in competition among all these submitting bids.

DISORDERLY FINGERS

Is it disorderly conduct for one individual to publicly greet another by placing the end of his thumb against the tip of his nose, at the same time extending and wiggling the fingers of his hand? That momentous question is involved in this appeal. What meaning is intended to be conveyed by the above-described pantomime? Is it a friendly or an unfriendly action; a compliment or an insult? Is it a direct invitation to

fight or is it likely to provoke a fight?

Dr. Holmes, that delightful wit and philosopher of a former generation, remarks that there are a good many symbols that are more expressive than words.

In the Knickerbocker History of New York we read that when William the Testy sent an expedition to treat with belligerent powers the ambassadors who accompanied the expedition demanded the surrender of the fortress. In reply the Wachtmeester applied the thumb of his right hand to the end of his nose and the thumb of his left hand to the little finger of the right, and spreading each like a fan made a flourish with his fingers.

No breach of the peace ensued, but this was apparently owing to the fact that the ambassador was ignorant of the significance of the Watchmeester's salutation. It is, however, recorded that the practice became widespread, and that up to the author's day the thumb to the nose and the fingers in the air is apt to be a reply made by tenants to their landlord when called upon for any long arrears of rent.

The practice still persists, and is not limited to tenants who are indisposed to pay their rent. Among boys it serves as a harmless vent for injured feelings which lack the proper vocabulary to relieve themselves through audible speech. But when boys become men they should "put away childish things".

In the case at bar the circumstances attending the enactment of the nasal and digit drama aforesaid tend to show a design to engender strife.

Moreover, the defendant had committed the same offense toward the complaining witness on previous occasions, thus indicating a determination to annoy him to the limit of patient endurance.

Under the circumstances disclosed I am satisfied the magistrate was fully warranted in reaching the conclusion he arrived at, and I therefore affirm the conviction.

Opinion by Roy, J., in *People v. Gerstenfeld* (County Court, Kings County, N. Y.)

COMFORT STATIONS AT PITTSBURGH

Over fifty thousand dollars has been expended at Pittsburgh during the past year in building comfort stations. This is a move in the right direction and every city and town, large and small should provide such stations for both the men and the women.

City Planning for Small Cities

By John L. Hershey, Special Engineer of Beatrice, Before League of Nebraska Municipalities

Frederick Law Olmsted, chairman of the National Conference of city planning in explaining what city planning means says in part: "To mention only three ideas every one will agree that good city planning should contribute toward more sanitary, convenient, and economic housing conditions, toward the more efficient movement of raw materials and finished products to and from industrial establishments, and toward a greater degree of comeliness in the surroundings of urban life".

Thomas Adams, town planning adviser to the Conservation Commission, Canada, in an article on Town Planning Principles Restated says, "The function of the engineer has to be more carefully considered than hitherto in regard to the town plan." "In connection with convenience we require the engineer to consider highways from the point of view of their planning and direction as well as from the point of view of their construction." "The lines, widths, and directions of the main arterial roads are among the most important things to be considered in the planning of a city". "The relation of these to the necessary streets of the town, and the relation of both to the system of sewage and water supply distribution are matters in regard to which he is the proper adviser". "It is obvious of course that he is the man to deal with the sewage and water supply systems as a whole so far as planning and construction are concerned".

These two quotations explain in a general way what is meant by city planning and the relation in which the engineer stands to its development.

City planning has not gained the universal attention of our municipalities probably because the idea is held by many that it deals alone with the beautification of a city instead of entering into the fundamental questions of its economic and physical growth and development.

During the year 1913 the Exhibit of American and Foreign City Planning was completed by the American City Bureau of the city

of New York for the benefit of New York City primarily and the cities of America thereafter. In forming the exhibit all the principal cities of Europe and America were called upon to furnish ideas, plans and pictures covering all departments of a city's development and activities. As sent out to Oakland, San Francisco, and Los Angeles it consisted of 150 panels 3 inch by 6 inch in size numbered and in logical order showing ideal and real plans for the laying out of the city, plans for the construction of its different public utilities, plans and pictures of streets, parks, public buildings, civic centers and in fact everything that could be of interest and help in planning to make the city better, better to live in, better to look at, in fact, in every way. That this exhibit is having a wonderful effect on the cities in which it has been shown is indicated by some of the statements made by prominent men on the coast during these exhibits. James Rolph, Jr., Mayor of San Francisco says in part, "We must look further ahead in the city's activities, and city planning will save any city much of the costly error of easily avoidable mistakes".

"The Assistant City Engineer of San Francisco clearly showed that out of \$20,000,000.00 of improvement in streets, tunnels, sewers etc., then under way, \$16,000,000.00 could have been saved by constructive forethought a few years before in laying out the city.

This is certainly an object lesson to the cities of our country. I do not doubt but that each one of you here, in looking back over the years of your own city's growth and of others of which you are familiar can recall instances where considerable sums of money could have been saved by a proper study of the situation and a comprehensive plan for the future.

Tho the city plan deals largely with the financial, social and industrial welfare of the city, with health and happiness of its citizens and the beauty of its homes, public buildings, streets and parks, its fundamentals are founded on public service of which the engineer is the chief

exponent. It is through the foresight and plans of the engineer for the physical development of the city that the mistakes such as mentioned by the Assistant City Engineer of San Francisco are avoided. It is through maps prepared by him that the possibilities of the city plan are shown and complete plans for the better city made.

Too often in our smaller cities there is no regular engineer or through insufficient reward a competent one cannot be retained. Cities are too often prone to strain at a nat and swallow a camel—refuse to pay for competent advice and spend a fortune for an inadequate water supply, sewer or lighting system. Even where an engineer is called in his advice is often not taken and some influential local politician's opinion or plan is adopted instead.

Mr. M. L. Cooke, director of public works Philadelphia, in a paper before the American Society Mechanical Engineers in N. Y. in 1914 says that, "the role the engineer is to play in the development of our municipalities depends primarily on the attitude of the profession as a wonderful opportunity, and also upon the ability with which the work of the engineer is brought before the public". "There is no real reason why municipal engineering should not be made to cover most municipal undertakings". He brings out a point that the engineering profession has been slow to see, or seeing they do not act fearing to seem mercenary and unprofessional. This is the matter of promotion—not so much personal advertising but the promotion of public works, the education of the public to the necessity of certain public improvements, and of the necessity of employing proper engineering talent to carry them out. The University of Wisconsin has, within the last couple of years, established an Engineering Extension Bureau. The plan is to assist small cities to plan for a needed water, or sewer system, or other public works and to create sentiment in favor of it. It is in a way an educational system designed to show the public the need of such public improvements which the bureau outlines but does not plan leaving it for the practising engineer to carry out. It is doing a good work in this field and should be a great factor in the development of the cities of the state.

Having taken up the meaning of city planning, what it is doing for some of the larger

cities, and the relation of the engineer to its development let us now consider its application to the smaller cities.

It is certainly unfortunate that those who originally lay out a city or town cannot foresee the future and plan for it. Of course the ideal time to start the town plan is at the towns's inception when there is nothing but nature to overcome. Once in a while a town is started on the utopian plan where the number and kind of its inhabitants can be pretty well foreseen and a charter drawn up to meet the ideas and ideals of the modern city with a plan. The town of Torrance, Cal., lying between Los Angeles and the sea, is such a one. The planning of this town, under the direction of Fredrick Law Olmsted, covered all departments of the city's life and activity. In this city the streets once made will never have a broken surface for the sewer system, water and gas mains are laid in the alleys and the lighting conduits are placed back of the curb. For the busy engineer, especially when rushing through underground improvements to make ready for pavements, what a relief this would be; what a relief for the taxpayer and city official if the perfectly good pavements in our cities were not being continually torn up to put in a necessary sewer or water extension, or enlargement, or to enlarge, extend or replace gas mains.

We are, however, faced with the stern fact that most of our towns have been built on a hap hazard plan. Perhaps the original plan of the town as to streets, alleys and blocks was good but conditions changed, growth did not go in the direction expected and additions were added as each promoter saw fit. The result is that through jogs in lines, the variation in sizes of blocks directions of alleys, or no alleys at all, the laying out of water, or gas mains in the alleys, or sewers entirely in the alleys is a problem impossible of solution. There has apparently been no law governing the proper laying out of additions. A study of town plats shows a wonderful disregard of any uniformity or system and something should be done to correct this fault, as upon this depends the essential points of all parts of the city plan.

An eminent engineer has said that a city's growth is limited by its available water supply. This is one of the first serious considerations of a growing city and is essentially an engineerin-

problem. Its necessity for reasons of health, fire protection, and convenience is beyond question. It should not take more than one epidemic from well pollution, or more than one \$15,000 or \$20,000 fire which threatens the very existence of the town to create a strong public sentiment for an adequate water supply system furnishing pure water and under sufficient pressure for fire protection. While doing it the city should see that no unsightly water station or water tank be allowed as the idea of beauty as well as utility should be considered. Also there should be a definite system of laying mains. If for economy's sake they are to be in the street they should at least be placed outside the line of the curb in residential districts. This applies to gas mains as well.

The design of storm and sanitary sewers must be considered by the growing city and they certainly become a part of the city plan. Sometimes these sewers are combined but as a rule they should not be as the nature of the service is entirely different, their economic locations are not likely to be the same and it is objectionable to have the small amount of sanitary sewage flowing in the usually much larger storm sewer. In most of our cities the history of the storm sewers has been that the first installations were entirely inadequate and replacements or accessory sewers had to be built from time to time as the city increased in size, the property increased in value and the amount and period of run-off increased from the change from plowed fields and gardens to lawns and parking, and from earth streets to pavements. It may be economy, tho I doubt it, for the city to build storm sewers that take care of the early conditions fairly well but cannot be expected to take care of future conditions. This part of the city plan needs careful study and consideration by the engineer and the city officials. As conditions change adequate sewers should be built before the time comes when, through the extension of other underground works, and the laying of pavements, the cost of new sewer lines become almost prohibitive. In the original plans for the drainage of any city the engineer should keep these matters in mind and his report should include recommendations as to first installations and possible future enlargements giving the conditions under which these enlargements might be required. Plans should be

accompanied by estimates of cost and the report should be based on financial considerations showing how construction should be carried on with the greatest economy to the city. Storm sewers, however, since they are supposed to be indestructible, can well be built under long term bonds thus lightening the burden of original adequate construction by spreading it over a long period of years.

The design of a sanitary sewer system presents many interesting problems. Whether it is to be one discharging into some flowing stream without treatment or whether the sewage is to be treated by the Septic or Imhoff tank system depends largely on physical conditions of which the engineer is the best judge. In laying out the system a complete topographical map of the city and a set of profiles of its streets and alleys showing established grades are necessary. Both for the sake of economy and convenience all service lines should be located in the alleys. Care should be taken even at some increase in cost to keep the sewers sufficiently low to drain sinks and closets in cellars. This point is often overlooked by the inexperienced engineer or, on account of added expense, this plan is not followed. The design should be made to cover any reasonable developments and extensions and should be complete for the city. These plans, if properly made in the beginning, should be strictly adhered to or serious difficulties may be encountered. Too often a city in trying to economize will lay the mains too small and later make extensions without reference to the original plans for size and grades and has to make extensive alterations or new extensions entirely to properly serve an increased patronage.

At this point I am impelled to digress and give a little space to the necessity of the city keeping records of all public improvements in a workable form and so they can be perpetuated. Otherwise every change in administration will throw the city's machinery out of joint and the record "kept in the head" will be lost forever. It seems to me that every water, light, or sewer construction or extension is as much a financial operation as the bond issue itself and if so why not keep as complete a record of one as the other. The lack of such records is appalling and is not due so much to poor engineering practice as to the short sightedness in city officials in not

wanting to pay for such records. I say it shows a serious oversight and an unpardonable neglect of duty for a city of the first class that has spent \$150,000 or \$200,000 on a water system not to know and have on record in intelligent form when the work was done, the exact location and sizes of mains, valves, hydrants and extensions and the cost of each improvement, replacement and extension. I say it shows an unpardonable neglect of duty for such a city to have many miles of sanitary sewers and not know their exact location, the sizes of pipe, their grade and depth below the established grade of the streets, and the location of manholes, flush tanks and Y junctions.

It is a grave mistake for a city having miles of from one foot to three feet storm sewers and serious need of much better protection from storm water not to know the location and extent of each pipe or trunk sewer, and not be able to locate the openings without going out on the street and looking for them. A suggestion that this data be worked up and plans for proper relief from floods made as new sewers must soon be built, elicits the reply that there is no money for such work. This I imagine, is the same answer made during a good many years on all kindred subjects and is the reason conditions are as they are. Tho this may seem like a very small thing I want to impress on this convention and especially on those who may be responsible for these errors and omissions the necessity of requiring a record in proper form of the location of all public works, the sizes, extent and cost of each and all other data necessary for properly conducting the particular public work in question. Then not only require this information but have a system of filing and perpetuating the records for future administrations. The cost will pay for itself in a very short time and is absolutely necessary for the future.

The planning and laying out of the streets, their connection with parks, the kind of pavements to be used and the lighting system to be installed are all very essential parts of the city plan. Perhaps no other part of it is absorbing as much interest at present as the paving and lighting of our principal streets. The study of traffic conditions in our smaller towns does not need to be so careful or extended as in the larger cities, it is essential to consider present and possible future

conditions in order to determine the width of the street, and the kind of pavement to be used. As a rule in our small cities, regardless of these conditions the engineer has nothing whatever to say on these matters but must put in the kind and whatever width demanded by the property owners. To say that the property owners who pay for the improvement should not have a voice in this would be as unjust, as it seems to me it is unjust to the taxpayer at large as they pay for the intersections, to have nothing to say on the looks of the final result.

This is where the city plans would come in for it would consider these things and limit the kinds and widths in certain districts and would thus avoid the unsightly connections these differences make at the intersections. A familiar sight in all our cities is the long drawn out angle or O. G. connection where a narrow street joins a wide intersection already in. This of course may be unavoidable where new residential districts join old business districts, but in a well planned residential district this could and should be avoided. The parking the central part of some of our main residential streets is a subject needing attention. Beautiful effects can be obtained by a proper handling of central park ways and it is a pleasure to see Kearney doing this on the Lincoln Way. Beatrice has a good chance to do this with one of her streets which is now paved fifty feet wide. The pavement needs replacing but is too wide and too expensive for the residential district and this solution seems the logical way out of the difficulty. No doubt other cities of Nebraska are faced with the same problem which could be solved in the same way.

I had hoped to take up the subject of the construction of different kinds of pavements and some of the details incident to their construction but time will not permit.

Street lights and signs are subjects which at least need mention in a paper of this kind. It is coming to be expected, yes demanded, that our paved streets in the residential districts, as well as in the business districts, be lighted by the electrolier system and suitable ornamental posts. A study of the needs of the place, the amount of light required, and the kind and location of the posts is necessary and a complete and comprehensive plan worked out before this is started. The beauty of streets can be greatly enhanced

by the properly handling of this matter and it needs our careful consideration.

In connection with these improvements should go the permanent marking of our streets. This also should be on some definite and well defined plan if the best results are to be obtained. There have been many schemes devised by ingenious city officials the world over, some of which are briefly as follows: Imprinting the names on sidewalks, or setting a brass or enameled name plate in the sidewalk or in the curb, painting the names on the light globes, or attaching a brass or enamel name plate in some manner to the base or standard of the electrolier post. There are of course many others but probably the most common and satisfactory method is that of attaching the name plate to the light post. However, the main thing is to start some good scheme, to hold to it and not be afraid of putting in too many signs.

In conclusion I wish to express the hope that there may be ideas and opinions included in this paper worthy of discussion on the floor of this convention. If so, and discussion becomes general, new and valuable ideas will be gained by us all and its purpose will be fulfilled.

FERTILIZERS FROM MUNICIPAL WASTE

A survey of the nation's resources in fertilizer materials has drawn attention to the large supply of these to be found in the accumulation of garbage in cities. This waste material contains nitrogen, phosphoric acid, and potash, which are recognized as essential to the production of large crops. Valuable as these elements are to the farms of the country, the garbage in which they are found is a source of trouble and expense to the cities. It seems, therefore, that this garbage can be disposed of most advantageously by returning it to the soil in the form of fertilizer.

In cities of 100,000 people or more the reduction of garbage by methods which furnish a residue fit for fertilizer use has proved to be a profitable municipal enterprise, and in smaller communities it might well be self-sustaining. Numerous analyses of raw garbage show that, on the average, grease constitutes 3.5 per cent; and of the fertilizer ingredients potash, 0.3 per cent; bone phosphate, 1 per cent; and nitrogen in the

form of ammonia, 1 per cent. On this basis the value of a ton of raw garbage is about \$5, the grease being worth \$3 and the fertilizer ingredients about \$2.

Since the grease is of more value than the fertilizer, the reduction process is primarily designed to recover the grease. There are three principal methods of doing this. The garbage is cooked and steamed and then pressed dry and degreased in gasoline. Or, the garbage is dried directly in rotary hot air kilns and then degreased in gasoline; or it is dried and degreased in one operation.

As raw garbage contains seventy per cent water and 3.5 per cent grease, the yield of the tankage residue or fertilizer should be about twenty-five per cent. Thus, four tons of raw garbage should be made to yield one ton of dried tankage and \$12 worth of grease. In the retail market the dried tankage sells for about \$10 a ton and at wholesale for \$7.50. There has been no great fluctuation in these prices for some time. In actual practice, however, the percentage of tankage obtained is not usually twenty-five per cent.

At present, however, only six cities in the United States operate their own reduction plants, and about twenty send their garbage to privately owned plants. These produce in the course of a year 160,000 tons of tankage, or fertilizer, made from 1,045,000 tons of raw garbage. If all of the 199 cities in the United States which have a population of 30,000 or over should adopt this method of garbage disposal, the total yield should be from 637,500 tons to 937,500 tons of fertilizer per year. This would be worth from \$4,780,-000 to \$7,000,000. Additional fertilizer material could also be obtained in the cities from dead animals, street sweepings, and stable manure.

This subject, specialists in the U. S. Department of Agriculture believe, merits careful consideration, because it will be of advantage both to the American farmer and to the cities from which he obtains his fertilizer.

HEADLIGHT ON WRONG

The lightning bug is brilliant,

But he hasn't any mind;

He blunders through existance,

With his headlight on behind.

"Oleanagram"

Reports Iowa Municipalities

DES MOINES

Pavement—236,411.39 square yards or 13.30 miles, cost of \$433,364.75.

Curbings—62,075 lineal feet, cost of \$24,-344.67.

Sewers—17,374 lineal feet cost of \$23,390.07
Seventh Street Bridge and Viaduct, cost of \$139, 000.00.

Sidewalks by City Contract—318,587.49 square feet, cost of \$35,092.09. (Probably as much more has been constructed by property owners.)

This past year has been above the average in amount of improvements constructed and the money expended. It can, however, be taken as a criterion for prospective work, although the pavement laid in 1916 will probably be less than that of 1915. We expect to receive bids for the Slose's Creek Sewer System consisting of 23.52 miles at an estimated cost of \$209,500.00. There is some little agitation for a bridge over the Des Moines river at North street which would cost about \$200,000.00.

SIOUX CITY

Sanitary sewers—5 miles, cost \$19,299.00.

Storm Sewers—3.93 miles, 49,651.00.

Street pavement—103,860.00 square yards, 6.05 miles, cost \$143,205.00.

Alley Pavement—19,656.00 square yards, 2.05 miles, cost \$22,609.00.

Highway Paving—51,419.53 square yards, 5.38 miles, 71,662.97.

Paving Maintenance—2,000.00.

Curb

City Contracts—6.75 miles, cost \$12,674.33.

Private—.06 miles, cost \$124.00.

Curb and gutter

City contracts—.09 miles, cost \$420.21.

Private—.13 miles, cost \$587.00.

Total—7.03 miles, cost \$13,805.54

Sidewalks

City contracts—3.17 miles, cost \$13,862.00.

Private—3.85 miles, \$17,200.00.

Total 7.02 miles, cost \$31,062.00.

Bridges—1 mile, cost \$4,090.00

Culverts—6 miles, cost \$5,578.00.

DAVENPORT

Paving. Brick 1.320 miles; asphalt .298 miles; asphaltic concrete 1.651 miles; asphaltic macadam 3.071 miles; concrete 1.438 miles.

Since 1889 the city of Davenport has put in 90.6559 miles of paving of which 3.5244 miles have been repaved leaving 87.1315 miles of paving. This has cost the city of Davenport \$3,532,741.54.

Sewer constructed during the year 1.858 miles making a total of 105.62 miles distributed as follows:

Sanitary sewers 93.03 miles; storm drains 12.59 miles; at a total cost of \$844,030.54.

Sidewalks laid in 1915, 8.89 miles at a cost of \$22,738.27.

During the season the Levee Improvement Commission completed the first part of its permanent wall making a total of 4850 feet constructed since the inception of the commission. In connection with this work a tract containing nine acres and having a frontage of 1400 feet on the river and having a reasonable market value of approximately \$200,000.00 has been turned over to the park commission of the city of Davenport for public park. Another tract of about ten acres with a frontage of 2820 feet is set aside for industrial purposes, a reasonable rental thus being paid to the city. The cost of reclamation of this particular tract was a trifle over fifty-five thousand dollars.

During the season 1915 the Board of Health caused the abandonment of 168 privy vaults making a total of 1433 since 1910.

OTTUMWA

The city has expended during the year over \$186,000 on its street work and there is much more work to be contracted for in 1916. Fourteen streets and three alleys were paved and paving contracted for on six more streets and three alleys. The paving work this year took in approximately thirty-nine blocks while the work contracted for and the work that will be advertised in 1916 will be a great deal more.

The city expended \$1,586.50 for the construction of steel bridges. Bridges were constructed at Vernon avenue, Rolmer and Milner streets. On the latter two bridges half of the expense was carried by the county.

LABOR ON STREET WORK

Labor on streets, bridges, etc.....	\$16,320.56
Poll Tax	4,195.84
City Funds.....	12,124.72
Crossings, eighty-four.....	1,744.20
Grading and dragging streets and alleys...	3,660.29
Cleaning streets	2,797.73
Repairing bridges	2,409.98
Repairing and flushing sewers.....	3,860.32
Total.....	\$30,793.06

MATERIAL USED

Oak lumber, 55,340 square feet; pine, 23,930 square feet; old pine, 13,895 square feet; old brick, 23,573; new brick, 12,672; sacks cement, 326; loads of sand, 690; pounds of nails, 5,875; six inch tile, 228 linear feet; eight inch tile, 275 linear feet; ten inch tile, 915 linear feet; twelve inch tile, 368 linear feet; eighteen inch tile, 342 linear feet; fifteen inch tile, 678 linear feet; pounds of paving pitch, 5,100.

FORT DODGE

Municipal improvements this year have been big with a total of \$237,066 to the city's credit. The new \$100,000 City Hall heads the list.

City Hall..... \$100,000

PAVING

	Sq. yd.	
Sheet asphalt.....	22,000	43,000
Asphaltic Concrete	15,600	
Brick	6,000	44,463
Asphaltic Concrete (West Fort Dodge) 3,965		6,060
Brick in street car track	1,256	2,549

SIDEWALKS

Cement sidewalks in various sections..... 5,824

SANITARY SEWERS

feet

Leighton Addition.....	5,000	7,521
South Twentieth street.....	2,400	1,041
Seventh Avenue South.....	400	291
South Fifteenth Street	700	479
South Twenty-First Street.....	2,400	1,201
Eleventh Avenue North	860	451
Fourth Avenue South	1,500	708

STORM SEWER

North Third Street..... 2,000 2,478

WATER MAIN EXTENSIONS

Extensions of 22,200 feet in various sections 21,000

\$237,066

Besides the above mentioned improvements

by the city there has been quite a bit of street grading, erection of street signs and also the completion of a few bridges.

KEOKUK

Brick paving 5231.9 square yards; cost \$9,716.26.

Concrete paving, 19,677.0 square yards cost \$21,734.66.

Concrete alley paving, 1,483.9 square yards; cost \$1,773.44.

Asphalt macadam, 1,100 square yards; cost \$1,229.33.

(Cement curb in all the above streets at average cost of 36 cents per lineal foot in place.)

Sanitary sewers, 2,555 feet; cost \$3,449.03.

Grading, cost \$5,695.38.

Storm sewers, 2,380 lineal feet; cost \$2,488.

Concrete retaining wall and box culvert, \$953.90.

Total expenditures on above accounts, \$47,040.00.

Repairs to streets, \$9,211.44.

Miscellaneous grading, \$5,598.46.

River front improvement, \$2,816.80.

Bridges, \$1,312.20..

Parks, \$,501.65.

Miscellaneous, \$1,423.78.

Oiling macadam streets, \$3,000.00

Grand total, \$679,043.33.

The program for the coming year includes an equal amount of brick paving as was done last year and about the same number of square yards of concrete. At least three new streets are to be opened and improved and several blocks of storm sewers constructed.

MASON CITY

Laid five miles of sanitary sewers in 1915 at a total cost of \$84,502.00

Laid five miles of sheet asphalt paving in 1915 at a total cost of \$200,823.00

Laid one and one-half miles of re-inforced concrete paving in 1915 at a total cost of \$32,443.00.

Work ordered and contracts let for 1916.

Five miles of sanitary sewers estimated cost \$90,000.00.

A sewage purification (Plant Imhoff type) contract let for \$135,000.00.

Seven miles of sheet asphalt paving, estimated cost \$400,000.00.

Three miles of reinforced concrete paving, estimated cost \$100,000.00.

A garbage incinerating plant contract let for \$8,000.00.

IOWA CITY

There was laid 42,552 square yards of Bitulithic pavement at a cost of \$98,511.37, this makes a total of 118,660 square yards of Bitulithic pavement laid since 1905. Incidentally, this city was the first to lay Bitulithic as a pavement.

Johnson County, in 1915, completed a reinforced concrete bridge, of three spans, over the Iowa river, the total length of which is about 350 feet, at a cost of \$50,000.00. This did not include the paving or wing walls which the city had to build at its expense amounting to about \$6,500.00.

When the bridge was designed and bids were received, the county found the cost was greater than the amount of bonds (\$50,000.00) voted by the people, so it was necessary to cut the width of the bridge and leave out the finished paving, and when the new bridge law went into effect, the city was forced to finish the bridge by paving and building wing walls.

Though we were compelled to complete this bridge we did so with a great deal of satisfaction as it enabled us to continue something that we felt was a great necessity and could not have been obtained for a great many years to come, had not this new bridge law gone into effect—that is, the building of a number of new bridges.

We contemplate building about four concrete bridges this year, three small arch reinforced concrete bridges, at a cost of about \$15,000.00, and one large structure of three spans, re-inforced concrete, length of about 350 feet over all. This bridge will cost about \$80,000.00 when completed and is now under construction, and will be finished December 1st, 1916.

This bridge will cross the Iowa river on West Iowa Avenue at the foot of the State University of Iowa campus. It is also located on the famous "river to river" road and any one traveling this highway from West to East into Iowa City will behold a beautiful picture with the State University buildings as the background thereof.

We will lay about 10,000 square yards of paving this year at a cost of about \$25,000.00, which will give us about twenty-one miles of hard

paving out of sixty-five miles of streets.

We also contemplate building about five miles of cement sidewalks, which, when completed, will give this city about eighty-five miles of cement walk, probably more miles of permanent walk than any city of twice our size.

OELWEIN

Bitulithic pavement, one and one-half miles.

Asphaltic concrete six miles, \$200,000.

Cement concrete one mile.

Improvement water works \$10,000.

Sewage disposal extension \$11,000.

Under ground central unit Telephone System \$60,000.

Electric plant \$40,000.

Sanitary sewer two and one-half miles.

Water extension of mains one and one-half miles.

Cement sidewalks two miles.

Fish way in city park \$500.

Gasoline fire truck \$5,300.

CEDAR FALLS

Sheet asphalt paving 3½ miles	\$101,000.00
Sanitary sewer.....	2,500.00
Storm sewer.....	5,400.00
Concrete sidewalk extension.....	7,200.00
Water main extension.....	2,100.00
Extension and betterments to electric plant.	9,100.00
Grading	3,200.00
Electrolier extension.....	1,700.00
Total.....	\$132,000.00

The contemplated improvements for 1916 include a proposed bridge across the Cedar river at Franklin street, at an estimated cost of \$50,000.00.

This bridge will shorten the distance for one and one-half miles for two townships lying North of Cedar Falls.

The past year was not only marked for a considerable number of municipal improvements, but saw over eighty dwelling and apartment houses built.

For the coming year, several business blocks are contemplated and one new factory building is already proposed.

SHENANDOAH

In the city affairs proper the year 1915 was marked by simply picking up the tangled threads of three-fourths "left overs", some amendments were made in the street lighting contract which in some respects might be considered as an improvement, still leaving a wide margin in effectiveness.

which we hope to close up in the near future; the pumping end of our water plant was strengthened by some needed improvements, we have now under contract the erection of a four hundred thousand gallon steel elevated tower by which we expect to be able to handle any fire occurring in the elevated sections of our city, to further stiffen the fire fighting arm, our council has under consideration the purchase of motor equipment for the fire department; one of the noticeable improvements in the down town district is the absence of the unsightly telephone poles, the Independent people and the Bell people without urging and of their own volition placed their wires in underground conduits.

One of the minor improvements and one in which we feel somewhat "set up" is the refitting of the council chamber, in addition to transacting the city business, the room is used by the deputy county treasurer for the semi annual collection of taxes we are thus able to entertain in a befitting manner the "fellow" who foots the bills.

The council has now under way resolutions of necessity for thirty-five blocks of paving, six blocks of sewerage and four blocks of water pipes.

One of the things now being worked out is a system of drainage to take care of the surface water which we expect will relieve a section of our city from vexatious and expensive overflows in the rainy season.

While it may not be classed as a city activity yet it will result in beautifying our city; we are assured of a soldiers monument in one of our inside parks that will be an inspiration to the young people of the present day and a tribute to the boys of 61-65 who are "marking time" for the great review.

NEWTON

One and one-half miles sewer.

Two miles water mains.

One mile gas mains.

Disposal plant (Imhoff type) \$4,500.

Additional sewers about two and one-half miles.

Additional water and gas mains about two miles each.

Disposal plant to cost about \$8,000.

Improvements at water pumping station about \$8,000; (new pumps and engines.)

Additional concrete paving at cemetery (city).

WASHINGTON

The city of Washington, Iowa has expended upwards of \$75,000.00 in improvements the past year as follows:

21652 square yards paving of which 6,135 square yards was constructed of paving blocks with concrete base at \$1.88, and 15,517 square yards of reinforced concrete with bituminous surface at \$1.67; all paving with combined curb and gutter.

Extension of electrolier lighting system on newly paved streets. Better lighting along paved streets is a city policy which has helped to popularize paving. Re-painted all old electrolier cast iron posts with iron paint. Painted and numbered all light, telephone and telegraph poles within the corporate limits.

Purchased Type B Brockway chemical engine and Hose Motor car for fire department of the American La France Fire Engine Co. of Elmira, N. Y.

Extended sewer to accommodate county hospital, repaired break at outlet and other sewer extensions.

Renewed one boiler and other repairs at city light and water plant.

Condemned last board walk in corporate limits and advertised for bids for permanent walks.

Purchased Economy street flusher, push carts and made noticeable advancement in street cleaning.

Guide light posts installed at intersections on public square which has greatly assisted in regulating traffic.

Town clock illuminated.

Park commission erected band stand in Central park, accepted as gift from Mann estate drinking fountain in Sunset park, improved library interior and grounds.

For the coming season the city contemplates some connecting up in the way of paving and possibly paving of other streets petitioned for provided cost of materials goes back to normal by June 1st.

Extension of water mains.

Either to remodel or build new city hall.

The council is investigating sewage disposal at present the "activated sludge" method, in view of new sanitary sewer system and disposal plant.

LEMARS

We laid six blocks of granite concrete pav-

ing early last summer costing us \$1.19 per square yard. We later let contracts for about forty-four blocks to be constructed of the same material. Eleven blocks of this has been laid and the balance will be finished this year. The price on this was \$1.09 per square yard with the exception of one block which will cost \$1.14 per square yard. We also paved the alleys in two blocks contract price on one \$1.19 and on the other \$1.14. We expect petitions to be presented to the council for more paving before long, in fact a petition has already been presented for one block and the necessary resolutions have been ordered drawn.

PUBLIC HEALTH DEPARTMENTS

"That public health work in this country is still in its infancy" is the outstanding conclusion drawn from a study made public recently of municipal health department activities in each of the 227 cities of the United States having a population of 25,000 or more.

Franz Schneider, Jr., Sanitarian for the Department of Surveys and Exhibits, Russell Sage Foundation, conducted the investigation which is reported in the January issue of the American Journal of Public Health (Boston) and is published by the Russell Sage Foundation in a pamphlet entitled "A Survey of the Activities of the Municipal Health Departments in the United States".

The investigation covered the cities having a population of 25,000 or over in 1910, although repeated efforts failed in securing data from any of the following cities: Columbia, S. C.; Council Bluffs, Ia.; Holyoke, Mass.; Joplin, Mo.; Knoxville, Tenn.; Newport, Ky.; Springfield, Mo.; Waco, Texas.

Nine tests were applied to the health department work in the other 219 cities in order to gauge the extent to which they had taken advantage of their opportunities. These tests covered appropriations, infant hygiene work, medical inspection of school children, laboratory service, health education and publicity, control of venereal diseases, housing regulation, dispensary service, tuberculosis work, industrial hygiene, and the number of privies.

APPROPRIATIONS

The statistics of appropriations omits all funds applied to hospitals and sanatoria; plumb-

ing inspection; street cleaning; the removal or disposal of dead animals, refuse, garbage, or night soil; and any other unusual undertakings which are of indirect hygienic value. The average per capita expenditure was 22 cents. The largest figure was that of Seattle—\$.98; the smallest that of Clinton, Iowa, three fourths of one cent. Others of the larger expenditures were Memphis, Tenn., \$.93; Pittsburgh, Pa., \$.61, Augusta, Ga., \$.61, and New York City \$.58; among the smaller were Easton, Pa., \$.02, Aurora, Ill., and South Bend, Ind., \$.03, Woonsocket, R. I. \$.04, and Lewiston, Me., \$.06. Such ridiculously small appropriations are by no means rare, and are to be found in almost any part of the country.

Cities under 100,000 population spent an average per capita of 19 cents; those between 100,000 and 300,000 spent 27 cents per inhabitant; while the 17 cities above 300,000 invested an average per capita of 34 cents in preventive health efforts.

The most surprising financial finding of the report is that the two groups of states with the biggest average per capita are the "East South Central" and the "South Atlantic" states as they are known to the United States Census. In these states, covering the territory east of the Mississippi and south of the Ohio and Pennsylvania the average per capita was 32 and 34 cents. The lowest average per capita, 15 cents, is credited to the "West North Central" and "East North Central" states, covering the territory from Colorado to Pennsylvania, and south from Canada to Oklahoma and the Ohio river. The "Middle Atlantic" states of Pennsylvania, New York and New Jersey manage to increase this munificent amount by 4 cents a head.

CONCLUSIONS

In summarizing the whole investigation the report states that there is a surprising neglect of the opportunities to apply scientific methods of established value, and that public health work in this country is still in its infancy. At the time of this investigation a fifth of the cities made no inspection of school children; over a third did not offer the ordinary laboratory diagnosis for the commoner communicable diseases; over a fourth made no effort to educate in health matters; nearly three-fourths had no housing law; nineteen-twentieths had no con-

cern with the hygiene of industry; over six-sevenths had no program against the venereal diseases; over a half had no proper organization to combat infant mortality; and less than a quarter had a coherent program against tuberculosis.

All the tests applied showed the health departments in the smaller cities to be weaker than those in the larger cities. Perhaps the most surprising finding is that the Southern and Pacific cities have better developed municipal health departments than the Northern cities from the Rockies to the Atlantic. The Central Northern cities stand at the foot of the list. The report concludes that the appropriations granted most health departments in this country are grossly inadequate for the new functions modern science requires them to perform. It is stated that health departments should be allowed a "minimum wage" of 50 cents per inhabitant per year, as compared with the present average allowance of 22 cents. It might be explained that the low expense at Clinton, Iowa can be explained because most of the expense in sanitary matters in Iowa is paid by the county instead of the city.

PRIVATE CHARACTER OF CANDIDATES

The California Outlook recently published the following very sensible editorial in reference to mud slinging in political campaigns.

A journal is never justified in attaching the private character of a candidate for office. No one knows the exact truth about any act of another man's private life. No one knows exactly any other man's private character. It's largely a guess. To say that he did such and such a thing, and to prove it by evidential facts, really proves nothing. Each heart knoweth its own bitterness. Each human being has his "side" to the story of his personal wrongdoings. Each episode depends largely upon the one preceding it, and all are woven into the woof of life. To judge a man's life as a whole is impossible. To judge one or two episodes is unjust.

As a matter of fact when it is known that this candidate stole a horse, wrecked a bank, eloped with his neighbor's wife and burned an orphan asylum, it would seem as though those facts should damn him and defeat him. But it

always happens that this man is running against another human being, who as a man may be just as wicked but more discreet. So as between men, the private life of candidates is the worst possible criterion by which to form judgments that make votes.

A man's public record is different. That is determinable. That is definite and certain. Here one is safe in forming judgments. Assuming that as between the candidates one is as good personally as another, one may examine the public records of the men and make his decision. Any other way to line men up in a campaign is unfair and unwise.

ROADBED INCLUDES CURBING

In construing an insurance contract the Georgia Court of Appeals in Gibson v. Georgia Life Insurance Co., 86 Southeastern Reporter, 335, held that a curbstone constituted a portion of the roadbed, so that an automobile policy exempting the company from loss "caused by striking any portion of the roadbed" did not cover a loss occasioned by collision with a curbstone.

"If the curbstone or curbing is a part of the street or roadway," says the court, "then the plaintiff could not say that he had left the roadbed when he collided with the curbstone. We think the point that the allegations of this petition present an exemption from liability under the contract of insurance is well taken. To our minds, a curbing or curbstone along a street might easily be denominated, and is, both a 'portion of the roadbed' and an 'impediment consequent upon the condition thereof,' and both these are the exceptions, and not insured against. The presence of a curbstone along a highway indicates merely an improved or modernized highway. It is as much a part thereof as the steeple might be of a church, or as that extremity of a horse with which he drives away flies 'in the good old summer time' is a part of the horse. As was well held by the trial judge, the curbing may not, in all cases, be an actual necessity; but it is there, and a part thereof, just the same."

Plans are in progress for improvements and extensions to the water works and lighting plant for Clovis, New Mexico. Estimated cost \$35,000.00.

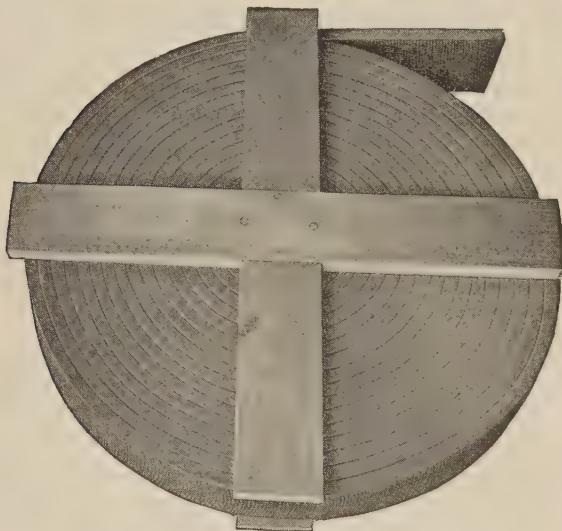
A NEW EXPANSION JOINT

MADE BY THE "FIBRE WELD" PROCESS

A new material for the expansion joints of concrete, brick or block pavements is now being offered by The Barrett Company.

It is a mastic which comes ready to lay, in ribbon form, in a variety of widths and thicknesses. It contains no felt or paper reinforcement.

A new process known as the "Fibre Weld" process gives to the bituminous mastic the requisite cohesiveness to stand handling and storage in the ribbon form, without affecting the elasticity that is necessary for expansion requirements.



It seems to possess all the elasticity of a poured bituminous joint with all the advantages of easy handling.

The material is waterproof and weatherproof and is not injured by street acids or automobile oils. It does not become brittle with age or cold weather and does not soften or run in hot weather.

Its chief advantage over the usual poured bituminous joint is the elimination of heating or pouring apparatus and a great reduction of the labor item—as it takes only a moment to unroll the joint and cut and put it in place.

It will be marketed under the name of "Barrett's Expansion Joint."

CONFERENCE ON COMMUNITY CENTERS

The conference on community centers to

be held in New York City April 19, will be of especial interest to all those interested in this department of municipal development.

The report of this committee, and the discussions for which it will arrange, will present the community center as an economic enterprise; its relation to taxation and to philanthropy; its relation to the consumers' co-operative movement of Europe; the actual and possible sources of revenue in community center work; the standardization of records; cost-accounting; and overhead and wholesale services in community center work.

A leading note of the conference will be the conception of local self-government and genuine economic self-support in community center work. In how far and in what ways these results have already been achieved in various places, will be made plain; the possibility of more radical developments will be stated for discussion.

The committee and division on city plan will consider primarily the physical adjustments which are needed in school buildings and in other public properties for the development of community center work. Graphic suggestions will be presented as to alterations in old buildings of various types and as to the ideal construction of new buildings to meet community needs. The chairman of the Committee on City Plan is the superintendent of buildings and the school architect of New York, and an effort will be made to correlate the demands of the community center with the demands of established and proposed types of common school and night school work.

The division on health will aim specifically:

1. To suggest helpfully to community center workers the need and the practicable methods for making the community center effective in various fields of curative and preventive medicine and of public hygiene and health education.

2. To make clear to the medical profession two conditions, and the indications from experience as to the meeting of these conditions:

- a. The development of health and medical service requires the development of methodical co-operation between medical agencies and other social agencies.

- b. Medical service is itself ready for the development of new co-operative methods. The private practitioner is less efficient and less prosperous through the fact that he works in isolation and without access to those overhead facilities and specialized advantages which have long since been achieved for other professions, other arts and for business generally.

Information Bureau for Municipal Officials

Q. Can a person that has been arrested for violating a town ordinance take charge of venue from the mayor's court?

A. According to Section 691 Code the mayor shall have exclusive jurisdiction of all actions of prosecution for violation of the city or town ordinances. This means that a change of venue cannot be taken from the mayor in case of violation of ordinances.

Q. Where an ordinance is passed by the town council with a mayor pro tem, in the chair who should sign the ordinance the mayor pro tem or the regular mayor?

A. The only power a mayor pro tem has is to preside at a council meeting. The mayor pro tem has none of the powers of the mayor and in fact is not acting as mayor when he is presiding at a council meeting but is acting as a councilman, there is no provision in the law for any one to perform any of the duties or any of the powers of the mayor.

Q. A civil township of 36 sections has about one-half of a town within its borders. It has, in another locality, all of another incorporated town within its borders. What township officers can people in town vote for?

A. The section of the law relating to towns and township is found in Section 560 Code and 565 Code Supplement. Under Section 565 the assessor of the township is elected by the voters residing outside of the town. The voters residing in the town have the right to vote on all other township officers including trustees, justices and constables.

Q. Is it unlawful to remit taxes? Is it unlawful to grant free water to anyone?

A. It is certainly against the law to remit any taxes for any one. The board of supervisors have a special power of exempting very poor people from paying taxes but this is the only exemption allowed by law.

It is also unlawful to rebate anyone for water tax or rent or to give any one free water where the water works plant is owned by the city or town. I might say, however, that many cities and towns owning their water works systems do give away more or less water.

Q. We have one pool hall on the first floor, same paying a license of \$25.00 per table. Now comes another party desiring to start a pool hall in another building, in the second story. Will the city be required to issue license for said pool hall, or is there a state law prohibiting pool halls on second floors, or is this optional with mayor and city council?

A. The town has control over pool halls and exercising this authority through the mayor or the council they could prohibit a pool hall in the second story of a building. The rules adopted should of course be uniform and every one treated alike. While the power is very broad in regard to pool halls yet there might be a question as to the power of the town to grant one person a pool hall license and not another unless there was some good reason for such action. It would be a legitimate reason to refuse the license because the pool hall is on the second floor.

Q. 1. Can a town compel the removal of steps and other obstructions on the sidewalks altho placed there before the town was incorporated? If so what steps are necessary to force removal, and is such action necessary on complaint?

2. Is a town compelled to furnish a dumping ground before it can force the removal of rubbish about town?

3. Is the town required to provide a lodging place for tramps and vagrants if they so demand?

4. What is the procedure to condemn a worthless and unsightly building on main street?

5. After a fire in small towns where there are no watchmen or night police is it the duty of the town to appoint special police to guard the property or should the Insurance Company take care of the salvage?

A. A town can compel the removal of all obstructions on the sidewalk even though the obstructions were placed there before the town was incorporated. The best way is to have an ordinance prohibiting the obstruction of sidewalks with a penalty attached and then you can bring any action you desire as a criminal action under your ordinance. If you will let me know exactly what obstructions there are you want to move and just what you want I can draw you an ordinance to meet these conditions.

The town is not compelled to furnish a dumping ground before it can force the removal of rubbish but of course most towns do provide dumping ground and under the law you can have such ground either within or without your limits.

The town is not required to provide a lodging place for tramps.

In regard to the building on Main street you can condemn it only on the ground that it is a fire hazard, that it is in such a delapidated condition that it is apt to cause fire or it is dangerous to the public on account of being liable to fall or sanitary reasons. You cannot condemn a building simply because it is unsightly but if you will give me the full particulars in regard to this I can then advise you better.

There is no special liability or obligation on the part of the town to appoint a special police to guard property that has been destroyed by fire and if the property owner or insurance company desires such property watched and the town does not feel able to stand the expense or feel that they should, then it is up to the property owner or insurance company to bear the expense. Of course a watchman that they would appoint would not be an official but if the mayor desires he could swear the man in as a special policeman with the understanding that the property owner or insurance company would pay the salary.

Q. As chairman of the Water Committee of this city, I am interested in the water rates paid by towns of this size in which the plant is owned

and operated by the city. If you do not have a group of towns in Iowa which will give this information, will you kindly let me know just how to go about it to get an intelligent response?

A. The latest figures I have in regard to water rates in cities of your size are given below. These towns are approximately the same size as yours and part of them larger and part of them smaller.

City	Maximum	Minimum
Eagle Grove.....	.30	.06
Vinton .....	.40	.08
Indianaoli.....	.30	.00
Waverly .....	.40	.05
Knoxville .....	.40	.13
Missouri Valley.....	.35	.10
Denison .....	.33	.06
Belle Plaine .....	.25	.00
Pella .....	.40	.00
Spencer .....	.25	.15
Algona .....	.40	.20
Winterset.....	.40	.00
Iowa Falls .....	.35	.15
Manchester .....	.40	.15
Cresco .....	.40	.00
Hampton .....	.40	.12
Valley Junction .....	.15	.00
Harlan Colfax .....	.30	.10
Colfax.....	.30	.10
Osage.....	.40	.00

The rates given are the price in cents per thousand gallons.

Clippings From Rate Research

OHIO

PROTECTION FROM COMPETITION—Ashley Tri-County Mut. Telephone Co. v. New Ashley Telephone Co. Decision of the Supreme Court of Ohio. July 2, 1915. 110 Northeastern 959.

A mutual telephone company, organized for the alleged purpose of furnishing local telephone service to stockholders and not incorporated for profit, had obtained a franchise and was about to establish telephone service in territory in which a telephone company was furnishing local and long distance service. The mutual company had not obtained a certificate from the commission.

The court rules as follows:

"We do not hold that private telephone lines, or that even all mutual lines, shall in all cases require the certificate named. Public convenience is the pole star of the act, and an established and adequate service in a municipality or locality is the chief factor in its determination, and where, as here, these factors may be disturbed by a new and competitive telephone company, substantially affecting established service, it is necessary that a certificate be obtained, to the effect that the right or franchise is necessary for the public convenience, before such second



Cave Life or Civilization

Civilized man is distinguished from the cave man by his habit of co-operation.

The cave man lived for and by himself; independent of others, but always in danger from natural laws.

To the extent that we assist one another, dividing up the tasks, we increase our capacity for production, and attain the advantages of civilization.

We may sometimes disregard our dependence on others. But suppose the farmer, for example, undertook to live strictly by his own efforts. He might eke out an existence, but it would not be a civilized existence nor would it satisfy him.

He needs better food and clothes and shelter and implements than he could provide unassisted. He requires a market for his surplus products, and the means of transportation and exchange.

He should not forget who makes his

clothes, his shoes, his tools, his vehicles and his tableware, or who mines his metals, or who provides his pepper and salt, his books and papers, or who furnishes the ready means of transportation and exchange whereby his myriad wants are supplied.

Neither should he forget that the more he assists others the more they can assist him.

Take the telephone specialists of the Bell System: the more efficient they are, the more effectively the farmer and every other human factor of civilization can provide for their own needs and comforts.

Or take our government, entrusted with the task of regulating, controlling and protecting a hundred million people. It is to the advantage of everyone that the government shall be so efficient in its special task that all of us may perform our duties under the most favorable conditions. Interdependence means civilized existence.

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Universal Service



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company can exercise its right and franchises in such occupied locality."

WASHINGTON

RATE OF RETURN—Puget Sound International Railway and Power Company, Investigation to Determine Reasonable Rates for Electric Lighting and Water Service. Decision of the Washington Public Service Commission, Fixing Electric Rates. December 15, 1915, P. U. R. 1916B. p. 81.

The Commission found that the electric department of the Puget Sound International Railway & Power Company was earning a return of 15.81 per cent. Such return was held to be unreasonable, and rates were prescribed which would yield a return of 8 per cent.

"It has been suggested to the Commission that the railway department should be considered in conjunction with the light and water departments, and the deficiency in return of the railway department be made good out of the other two departments; in other words, that the users of electrical energy or of water should be charged excessive rates in order that the excess in returns of the water and light might be transferred to the railway department to make the return of such department sufficient. The users of the electrical energy or of the water may, or may not, be patrons of the railway department. The defendant company might be engaged in many different kinds of business. It is unfair to increase the charges to the patrons of one department in order that another department may show a return. The users of light and water have a right to a supply of electrical energy or water at fair, just, reasonable, and sufficient rates, independent of whether or no some other department operated by the same company is profitable or otherwise. If the rates of some other department are not fair, they should be made so, but the Public Service Commission has no right under the law to tax users of electrical energy or water in order that the patrons of a street railway may be permitted a low rate, or in order that the utility may be permitted to compete with some other form of transportation. The rates now established by the Commission in this instance with the same patronage will allow the company a return of 8 per cent, and while the Public Service Commission has not and will not establish any definite return is applicable to all cases, we

consider the return under the rates now established by us to be just, fair, reasonable, and sufficient, and this meets the statutory requirement."

WISCONSIN

PURCHASE BY MUNICIPALITY—State ex rel. Wisconsin Traction, Light, Heat & Power Co., v. Circuit Court, Winnebago County. Decision of the Supreme Court of Wisconsin. December 7, 1915. 155 Northwestern 139.

The Wisconsin Traction Light, Heat & Power Company has an electric power plant at Appleton, Neenah and Menasha. The city of Menasha is seeking to condemn the property of the electric utility located within its corporate limits. It does not contemplate taking power from the Appleton plant as it has a power plant of its own. The company claims that the city cannot dismember its plant and take only a portion, in this case a small portion of its system. Appeal to the Supreme Court was taken from a judgment in the Circuit Court, Winnebago County which was favorable to the condemnation proceedings. The finding of the Supreme Court however, is that the city of Menasha has the power to condemn as proposed. The city granted the company a franchise which constituted it a public utility in Menasha, and it was an entity though owned and operated in connection with other public utilities. The change of its franchise to a compulsory indeterminate permit did not affect its separate entity. The court says:

"At the time the public utility law was passed it was common knowledge that a central power plant often supplied two or more utilities in different municipalities. The law did not intend to and did not put such utilities upon a different basis as to condemnation than those having their own power plants, and hence it provided that the existing plant of any utility may be separately condemned irrespective of its physical connection with other utilities. Under the old law utilities were granted franchises by municipalities; under the present law they are granted certificates of convenience and necessity by the Railroad Commission. Each when operating under its grant or the substituted indeterminate permit constitutes a complete separate public utility, subject to condemnation by the municipality originally granting the franchise or for which the certificate of convenience and necessity was granted, irrespective of the fact that it may be owned or operated in conjunction with other utilities. Any other construction would nullify the statutory definition of a public utility.

How did your roads come through the winter

Are your macadam roads frost-proof? Are they in good condition this spring? Or are you now going through a season of dirt and mud "while the frost is coming out". In a typical American township today are these examples of "spring" roads:

Case 1. Old plain macadam

Worn down by automobiles, exposing the uneven basic mosaic which has caught water and suffered severely from disruption by frost. Considerable loose stone. Mud now—dust later. No relief till warm weather when expensive resurfacing will be in order. Deterioration is 40%.

Case 2. New macadam last year

Still a good road with a one-inch film of mud in wet weather and dust in dry. The smooth "roof" of the road is being destroyed. Already the road fails to shed water promptly, although the foundation is still intact. Deterioration 15%.

Case 3. Old macadam street treated with oil to suppress dust

Effect of the oiling has worn off. Plenty of dust now, or slimy black mud. Deterioration going on steadily because the oil had no bonding or dust-preventing power—it merely made the dust too heavy to blow. No relief in sight. After mud dries dust must blow till weather is warm enough for re-oiling. Can't even sprinkle with water on account of the old oil.

The foregoing represents the result of old and wasteful methods of road construction. We will now tell you of results where newer and more economical methods were used.

Case 4. Old macadam treated last year with a coat of "Tarvia B"

Applied from a sprinkling cart, the Tarvia soaked into the surface forming a sort of tough tar-concrete. Sheds water like a duck. No mud or dust. No deterioration. Looks as good as it was last fall. Needs only light renewals of "Tarvia B" to make it better than ever.



Note the clean, smooth, dustless Tarvia surface

Case 5. New macadam built with heavy "Tarvia-X"

Constructed layer by layer three years ago. The Tarvia cements the stone together in a traffic resisting layer. It added slightly to the original cost but saved much stone and labor. Clean, dry and smooth. If it shows any wear a light coat of "Tarvia B" restores it to prime condition.

Tarvia makes macadam frost-proof, winter-proof and automobile-proof. It is a tough, dense, viscous binder, a plastic cement that defies water, weather and traffic.

Expense? Tarvia adds a little at the beginning and saves a lot in the end on the obvious principle that it is cheaper to have a road that will easily withstand modern traffic than to keep on renewing an inferior type of surface that is too weak for the traffic.

A road that pulverizes and abrades under the attrition of the backward kick of the automobile driving-wheels is an expensive nuisance nowadays. That is why the plain macadam road is disappearing.

Durable, dustless tarvia-bonded roads really cost less than dusty, water-bonded macadam roads owing to their longer life and lower maintenance costs.

There is a Tarvia process for most road problems.

The *Barrett* Company

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Burnside Avenue, East Hartford, Conn.
Constructed of Atlas Portland Cement

Permanent—Concrete roads are almost indestructible.

Under hardest traffic, are useable every day in the year.

Safe—Sure footing for horses; safe grip for automobile tires.

Clean—Mudless, dustless, rutless.

Low First Cost—About \$12,000 per mile for a 16-foot road.

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We will assist in preparing plans and proposals, and arrange for inspection when desirable. Tell us cost of sand, gravel, and unskilled labor and we will tell you approximate cost.

Write for the Atlas book "Concrete Highway Construction" showing cost, itemized proposals and photographs of highways. Free on request, together with standard specifications.

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On the side of service you get the benefit of distributing centers so numerous and well situated that we can give you 24 hour deliveries. Our Street Lighting Service Department specializes on Municipal lighting problems, and will furnish without obligation or expense, any information concerning modern and scientific illumination of streets

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Write for full particulars and find out for yourself just how little it will cost.

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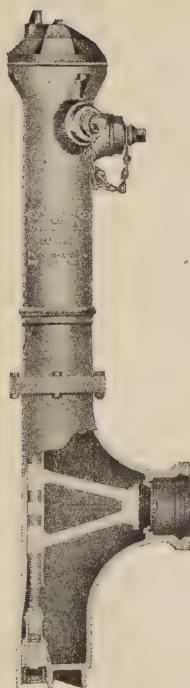
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Each member of the American, Iowa, Nebraska, Kansas or Minnesota League, may run
one advertisement each month free of cost.

WANTED—A position as waterworks superintendent. Practical and technical training. Pumping machinery expert. Reference. Address American Municipalities.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Swea City, Iowa.

FOR SALE—Blue printing machine, 42 inch, with automatic washer and drier. Please make. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk.

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—Heller & Brightly transit, full circle, stadia cross-hair, also level, same make, like new, at a bargain. Other instruments in stock, new and second hand. Transit and level repairing. O. Griner, 214 E. Tenth street, Kansas City, Missouri.

FOR SALE—The incorporated town of Milford has for sale 1 Davis carbide feed acetylene gas plant in perfect condition. Model B generator 75 pound capacity. 23 burners with fixtures. 150 feet $\frac{1}{2}$ inch pipe. Will sell at a sacrifice. For information write J. E. Shelledy Clerk, Milford, Iowa.

FOR SALE—Six gasoline street lamps in good working order, will sell cheap as have installed electricity. Write for information to J. J. Hamilton, Town Clerk, Epworth, Iowa.

FOR SALE—“The city of Oskaloosa, Iowa has for sale one Studebaker Pneumatic street flusher, one team of gray horses, two sets of harness, one patrol wagon, one fire wagon; all in good condition. The flusher has not been used very much. Our reason for selling is that we are motorizing the entire police and fire department. Make us an offer.” T. H. Carlin, City Clerk

FOR SALE—One 8 horse power R & V engine. One air compressor. One pressure tank 24x5 $\frac{1}{2}$ feet. 54 lamp posts. 20 Sprague meters. 40 Tin meters. C. F. Hoover, Clerk, Brighton, Iowa.

FOR SALE—The city of Ames, Iowa has for sale one 75 kw 1100 volt 3 phase 60 cycle Westinghouse generator and exciter direct connected to 14x14 300 R. P. M. Ideal Steam Engine now connected to steam line and in operating condition. Address Chas. E. Warsaw, Manager.

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WANTED—Hand hose cart that will carry 500 feet of hose. Parties who have such a cart for sale give full particulars on the cart and the price wanted, address Henry Graaff, City Clerk, Bellevue, Iowa.

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FOR SALE—18 horse power Watrous fire engine, good as new, complete with 30 foot 4 inch suction hose, same being replaced by high pressure water system. Write or wire at once, for full particulars. Russell E. Whipple, chief, fire department, Lehigh, Iowa.

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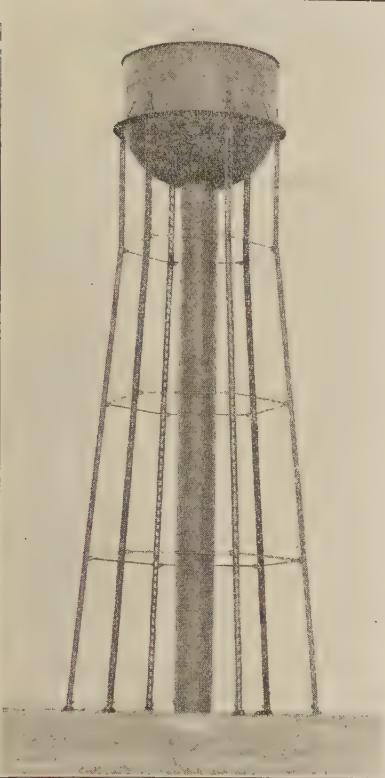
FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Delevan Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.

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FOR SALE—The city of Fort Dodge is contemplating the equipping of its fire department with motor apparatus. On this account we have for sale; one horse drawn hook and ladder wagon with extension ladders; two combination chemical and hose wagons, capacity of 1,000 feet of 2 $\frac{1}{2}$ inch hose; one police patrol wagon; two exceptionally good teams well broke for fire or police service. Will sell any part or all of this equipment. If interested write W. L. Tang, City Clerk, Fort Dodge, Iowa.

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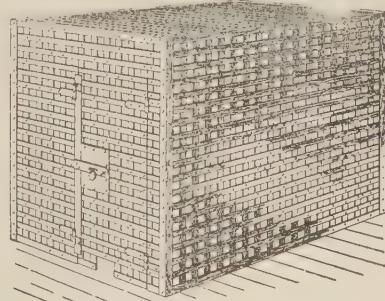
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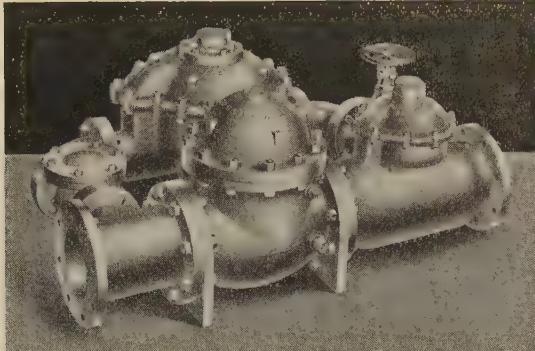
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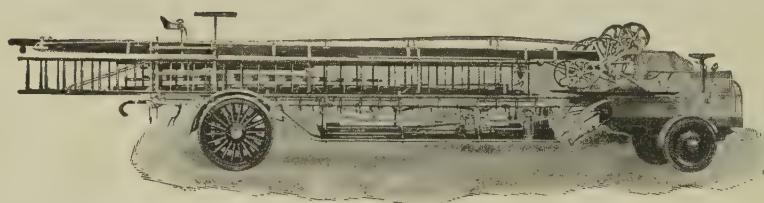
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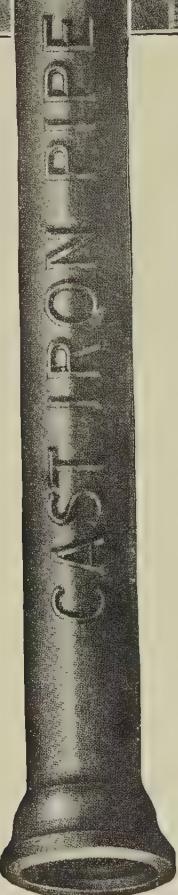
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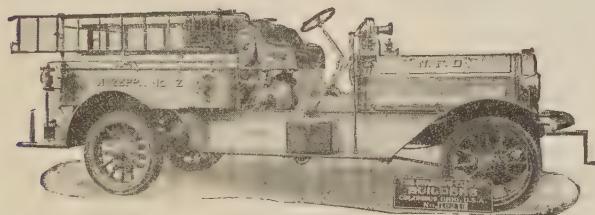
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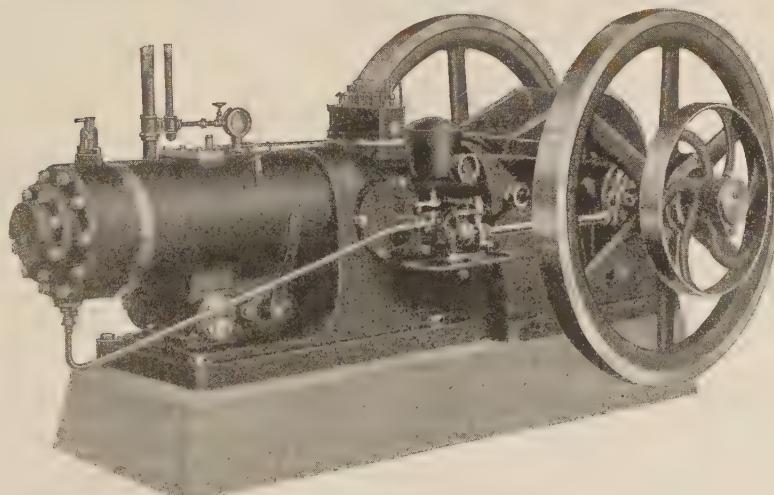
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American Municipalities

May, 1916

Vol. 31, No. 2

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

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COMMENT

Now that the candidates for the legislature are known, municipal officials should at once find out how they stand on the questions in which we are interested.

Find out whether the candidate is in favor of the people or in favor of the corporations.

Remember that it is years like the present when the people generally are interested in national questions that the corporations are able to nominate and elect their candidates.

Do not be satisfied with general statements but find out if the candidate is in favor of giving the cities and towns more power in local affairs.

This is the most important question before the voters of the state, whether local affairs will be controlled locally or by commissions appointed by the governor and located at Des Moines.

The League of Iowa Municipalities at its last meeting decided that its entire legislative program would be made secondary to the demand for more power over local affairs and municipal officials should all do whatever they can to forward the movement.

Considerable space is given in this issue to the decision of the Iowa Supreme Court in an automobile case taken up from Des Moines.

This opinion is of interest to every official as it takes up the different questions of control over the streets by the city and towns and gives cases stating the rule.

Anyone reading this decision will have a pretty good idea of the law of streets so far as municipal control is concerned,

The supreme court in this decision seems to be inclined to give a more liberal construction to the powers of the municipalities and seems to appreciate for the first time that the state is a consolidation of local communities, and that these local communities have some rights that the state should concede.

The extracts published from Rate Research each month should be read by all officials as these are the official decisions of the state utility commissions and the courts, and are therefore the last word in utility regulation.

The article from California Municipalities

on state utility commissions seems to indicate that some at least are beginning to be fearful that the California commission is about to become under corporation control.

A couple of years ago one of the most impartial students of commission control made the statement that the California commission was the only one in the country not under corporation control and now if the corporations are securing control of that commission they ought to be pretty well satisfied.

CLEAN UP WEEK

The clean up week promoted by the confederation of woman's clubs is now in the past and of course every bit of rubbish has been removed and the municipality is clean and bright. That is the way it should be but the chances are that little or no good was accomplished and nothing of a permanent nature. It would do little to give a boy a bath once a year and let him accumulate dirt the rest of the time. Likewise it does little good to try to clean up a municipality once a year and let the dirt accumulate the rest of the time. The only way to have a clean city or town is to keep it clean and the sooner municipal officials and reformers come to this conclusion the sooner will our municipalities be presentable, clean and proper places in which to live.

MUNICIPAL EFFICIENCY

The god of the modern business and industrial world is efficiency. Likewise it should be the good of municipal officials. If you are not efficient, if you are not giving the very best service of which you are capable, if you are not getting results, you are inefficient and should be retired to the has beens or never was. To be efficient you should know your duties and powers and the only way you can do this is by reading the law. The first thing you should do is to get a code and read that part of the law relating to cities and towns. Then look yourself over and see if you are giving the people the value for which they are paying. Then look over those working under you and see how they grade up. Be sure you are half way efficient yourself and then demand that those working under you are likewise efficient. Be efficient, but if you can't be efficient be as efficient as you can.

AUTOMOBILE ORDINANCE

Under the decision of the Iowa supreme court published in this issue cities and towns can control the standing of automobiles on the streets.

The following form of ordinance will meet this need. Of course the different streets should be filled in to meet the conditions in each case. An Ordinance Relating To The Use Of The Streets, Alleys, And Public Places By Vehicles Of All Kinds, And Providing A Penalty For Violation.

Be it ordained by the council of the town of _____, Iowa.

Section 1. No person shall (between the hours of 6 o'clock a. m. and 10 o'clock p. m.) leave standing upon any of the following streets, any automobile, wagon, dray, buggy, or vehicle of any kind, whether in charge of a driver or not, except that automobiles, wagons, drays, buggies and vehicles of any kind, in charge of a driver, may stand on such streets while being loaded or unloaded, but not to exceed thirty minutes at any one time, to-wit:

First street from Washington street to Jefferson street; Second street from Adams street to Madison street.

Section 2. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to a fine not to exceed one hundred dollars, and in case the fine and costs imposed for such violation are not paid, the person convicted may be committed to jail until such fine and costs are paid, not to exceed thirty days.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance, are hereby repealed.

Section 4. This ordinance shall be in force and effect from and after its passage and publication as provided by law.

Note: Section one of this ordinance may be changed to meet your local conditions. If you prefer you can leave out the words in brackets (between the hours of 6 o'clock a. m. and 10 o'clock p. m.) or can change these hours as you think best. The streets that you want covered by this ordinance should be described as First street and Second street are described in section one. Put in all the streets you want covered by the ordinance.

We Have With Us This Day

CLAYTON E. BRONSON

Near the beginning of the last legislature some member of the legislative committee of the League of Iowa Municipalities suggested that part of the automobile tax ought to go to the cities and towns. This seemed to be reasonable but the committee did not feel like going up against the farmers combination and passed the bet.



Then along came the road fight with a big F. In the house it got warm, warmer, warmest, and just when it was the most torrid, an innocent member from Waterloo suggested to some member that it might be possible to control about five votes if the cities and towns were given part of the automobile tax. Great canvassing of votes by leaders and decision that five votes would turn the tide either way.

Result, the municipalities were given a small part of what rightly belongs to them and the honorable gentlemen from Blackhawk, Mr. Bronson, earned the thanks of all those interested in the cities and towns.

Mr. Bronson, on the part of the cities and towns of this glorious state of Iowa, I take great pleasure in extending to you our heartfelt thanks for the good you accomplished in your first session, and we will ever remember you as a good friend, and as a true friend.

GEORGE F. TUCKER

George is one of the original Municipal Home Rule advocates. He is of Scotch-Irish descent and this home rule must be the Irish in him breaking out. The slogan of this member, and by the way it is one that every citizen should approve, is "Home Rule and not Dome Rule". (Note: the word dome refers to the gold plated dome of the state house at Des Moines, Iowa).



George is also a printer and this might be the reason he is so well posted on so many different subjects. A printer must read whether he wants to or not.

The Honorable George F. did not come to the legislature unprepared, because he had already served two terms on the Clinton city council, and had made a study of the many questions affecting the municipalities. It really is too bad that we can't have more members of the legislature who have had some experience as a municipal official. If we could it might do away with that prejudice that seems to linger in the minds of so many budding statesmen against the poor municipal official.

It is needless to say that the gentleman from Clinton was a friend of the League all the time, a friend who helped us get the things we did get and put the crimp in the things we crimped.

We Have With Us This Day

JAMES E. JAMISON

Burlington has been most fortunate in the last two sessions of the legislature, in having a representative who is not only interested in municipal affairs, but who is always right. I know a great many Mrs. Always Right but this is the only Mr. Always Right I ever knew. This is probably accounted for by the fact that he is, or was at last reports, a bachelor. If he



ever gets married he will soon be nothing but the husband of a Mrs. Always Right.

Really Mr. Jamison, or Jamie, was a friend of the League of Iowa Municipalities all the time. He is right on most public questions and knows what he is talking about, he is a student and a gentleman.

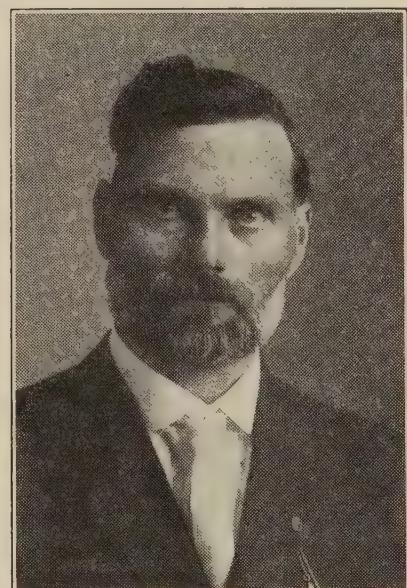
I don't know whether Jamie is a candidate again or not but if he is every citizen of Burlington whether democrat or republican should vote for him. He is as good a representative of Burlington, not of the republicans or the democrats, but of the city as a whole, as the Burlingtonians could possibly find.

He is certainly some kid. If the handsome young lady clerks of the last house had the electing of the representative from Des Moines county, there would only be one candidate, viz: James E. Jamison.

DOUGLAS ROGERS

Take a good look at this statesman with the Hughes whiskers. At first sight the whiskers and luxuriant locks seem to be the most important thing about him, but really the grey matter under the thatched dome is of some importance.

Rogers is one of the few who have been able to outlive the disgrace of holding a municipal office. Fact, he was mayor of his town, the



town of Manning, Carroll County, Iowa, not only once but twice and thrice. Was mayor for six and one-half years. It is hard to explain the half year but there it is, do what you please with it.

The experience of Mr. Rogers as mayor was of great value to the League of Iowa Municipalities, as he was able to look at municipal questions from the viewpoint of the man who has to meet and solve municipal questions. Rogers is a lawyer, a graduate of the law department of the State University of Iowa.

Rogers is also a candidate for re-election and here's hoping. It will be a good thing for all the cities and towns in the state and in Carroll county if the tall advocate from Manning once more occupies a seat in the west wing of Iowa's magnificent capitol building, and is allowed to bring his legal training to bear upon some of the inconsistencies of proposed legislation.

The Delays of Regulation

Public control of public utilities must be prompt and sure, if it is to be effective. Whether it should be exercised by local or by state authorities should be determined largely by comparing the promptitude and certainty with which these authorities perform their functions. So rapid has been the development of our public utilities, so imperative therefor the need of establishing a public control which has appeared difficult of attainment by the ordinary processes of the existing governments, that many states have created commissions and vested them, so far as constitutions would permit, with summary powers of interfering and regulating to protect the public in its life, liberty and pocket-book. But for the need of expedition in handling the matters turned over to the commissions, the ordinary course of enforcement of laws by the executive and judiciary might have been followed. To secure this expedition the commissions were given extraordinary powers, executive and judicial, subject in varying degrees to review by the superior courts.

Whether it is from dread of reversal by the courts or from excessive judicial temperament among the men appointed to the commission, or from some hindrances inherent in the business entrusted to them, the commissions are steadily slacking in expedition, lapsing into delays which materially lessen their usefulness. A case in point appears in a recent decision of the First District Public Service Commission of New York, emphasized by a vigorous dissent from one commissioner.

It appears from the record in this case that almost a decade ago the commission set about finding means to diminish the "appalling loss of life upon the streets of New York", and to that end unanimously adopted an order in 1909, directing that upon certain lines in the city fenders and wheelguards be used upon the street cars.

Following this order, Commissioner Hayward protests there began a series of hearings and rehearings, applications, conferences, both official and unofficial, negotiations, charges and admissions, and acceptances and refusals by the companies, carried on at such great length as to be almost unbelievable unless the same appeared clearly in the records of the commission.

"Repeatedly the commission unanimously held that the claims of the companies seeking to evade this order were without merit *** but for six long years these companies have been able by one means or another to make the action of the commission futile so far as fenders were

concerned, until the whole proceeding appears more like child's play or a mock trial than the proceedings of a great commission, clothed with the most extraordinary powers to enforce its orders. *** In the six long years that have elapsed, 1,300 pages of testimony have been taken and proceedings have been had in this case on ninety-seven separate days. Commissioners have come and commissioners have gone but the fender case seems to run on forever. The personnel of the commission has entirely changed and ten commissioners have solemnly considered this question. Since the original hearings closed, three presidents have sat in the White House in Washington and six Governors have presided over the destinies of the state at Albany. *** Flying machines, then a dream, have been invented and put to practical use, and both poles of the earth have been discovered. *** Still the fenders ordered by the commission have not been supplied by the companies involved in this proceedings."

Mr. Hayward's feeling about this case was very definite:

"After the language previously used by this commission, I can hardly be accused of extravagance of expression if I say it appears to me that this is a plain case of a contest between human greed and human safety, in which so far at least, human greed has all the best of it."

In my opinion, the order should not be rescinded, but should be modernized and such parts of it as are obsolete and inconsistent with present conditions of congestion on certain streets included in the order, modified to suit the present need." (Re Fenders and Wheelguards). (Case 1048 V. I. P. S. C. R. 1st Dist. N. Y. 225 ff).

Yet the order was rescinded, and so the case closed in a victory for the obstructive companies, and in the abandonment of its earlier position by the commission. One is moved to wonder, if Commissioner Hayward's opinion had prevailed, how long it would have taken to modernize the order, and how much longer the companies would have been able to obstruct the execution of the order he desired. It is such cases as this recurring with increasing frequency that diminish the ardor of even the most enthusiastic advocate of state control. If prolonged and successful obstruction is possible before the commissions, the warrant for their existence almost vanishes, and greatly weakens the arguments for establishing such commissions in states that not yet have them.—Minnesota Municipalities

MUCH DAMAGE DONE TO CEMENT CROSSINGS

The city council is wrathy, absolutely but helplessly wrathy. A big traction engine from New London was driven through the town April 15th and literally crushed every concrete crossing it hit.

The driver considered it a good joke and assured the council that he would probably smash all other crossings in this town or any other town where he happened to drive his machine.

It seems that the county had hired a man by the name of Clifton Bonar of New London, to drive his engine here to hitch on to the big road graders. Clifton proceeded to drive up here. He has a fifteen ton traction engine and his delight is to smash crossings. He did a good job. Five crossings, good concrete crossings were absolutely destroyed and will have to be replaced.

Members of the city council remonstrated with him but he gave them the horse laugh and proceeded to smash another crossing. The board of supervisors were appealed to but could do nothing.

Mr. Clifton Bonar was asked if he smashed crossings in his home town of New London and he assured all that he certainly did and that he made a good job of it. Asked as to what the council of New London did and he replied that they put in new ones, which he smashed at the first opportunity.

City councils of the towns of the county and boards of supervisors and township trustees are helpless from the damage of such men as Bonar. There formerly was a law that men running traction engines should plank all concrete crossings, and all bridges before crossing them. The state association of traction owners and engineers however, got this law repealed and as the law stands today Mr. Bonar or any other driver of a traction engine of no matter what the weight can proceed along any highway or street with impunity. Under the present law city councils must provide crossings which will hold up Mr. Bonar's engine, no matter what the cost and township trustees and the board of supervisors must build bridges that will hold up Mr. Bonar's engine, and if they don't and Mr. Bonar and his engine goes down the township or the county

will proceed to settle with Mr. Bonar on the best terms possible.

There is no doubt that the law will be repealed by the next legislature so that public property can be protected from the devastation of these engines which are being made heavier and heavier each year.—Mt. Pleasant News

CONSENT OF RESIDENCE OWNERS TO ERECTION OF BILLBOARDS

The power of municipalities to require consent of property owners to the erection of billboards is determined by the Supreme Court of Illinois in Thomas Cusack v. city of Chicago, 108 Northeastern Reporter, 340. In holding constitutional and reasonable an ordinance regulating billboard construction, the court says:

"The answer alleges that the ordinance was regularly passed by the city council pursuant to expressed legislative authority, and that it is a proper exercise of the police power of the city of Chicago and the state of Illinois. The answer sets up that billboards are dangerous to the public health, safety, morals, welfare, and comfort in that they afford protection to disorderly persons, who conceal themselves behind them; that the space behind billboards is used in such manner as to create nuisances by reason of the shelter and protection afforded by said billboards; that the maintenance of such billboards causes the accumulation of inflammable material, thereby increasing the danger of fires. The answer denies that the ordinance is invalid for any reason, and particularly that it is not invalid because discriminatory, oppressive, or unreasonable. * * *

"The ordinance is not unreasonable or oppressive because it requires the consent of a majority of the owners of property, within certain limits, on both sides of the street where such billboards are to be erected. In respect to occupations or structures, the location and maintenance of which are subject to regulation under the police power of the municipality, a requirement of frontage consents of property owners, within reasonable limits, is a proper mode of exercising the power of regulation vested in the municipality."

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Iowa Motor Traffic Ordinance Legal

Iowa Supreme Court Interprets Automobile Law

Most of the attorneys in Iowa have believed that under the law of the state relating to motor vehicles, the power of cities and towns was limited to passing ordinances fixing the speed limits. In a recent case from Des Moines the supreme court holds that the motor law does not take away from the municipalities the control of motor vehicles on the public street.

OPINION OF SUPREME COURT

In this case the plaintiff was arrested several times for violation of a Des Moines traffic ordinance and in each case was acquitted. The police, however, continued to arrest him and he applied to the district court for an injunction restraining the Des Moines officials from enforcing the ordinance on the ground that insofar as it prohibited or restricted the standing in the streets of a private automobile not used for hire, it was in excess of the lawful power of the city, and in conflict with Sections 1571 M-20 and 1571 M 23 Supplement of Code 1913.

The district court granted a temporary injunction and from this decree the city appealed.

The provision of the ordinance in issue is as follows:

Section 30 of ordinance 1594 of said city, as amended, reads as follows:

"Section 30. No person shall between the hours of 7:00 o'clock a. m. and 6:30 o'clock p. m. leave standing upon any of the following streets any vehicle, whether in charge of a driver or not, to-wit: West Fifth street, from Court avenue to Locust street; West Sixth street, from Mulberry street to Grand avenue.

Section 31, of said ordinance, as amended, reads as follows:

"No person shall between the hour of 7:00 o'clock a. m. and 6:30 o'clock p. m. leave standing any vehicle for a longer period than one hour on any of the following streets:

West Walnut street, from the bridge to Third street; West Locust street, from the bridge to Third street, and from Eighth street to Ninth street.

The city claimed that the power exercised in the passage and adoption of the ordinance was an exercise of the power conferred upon, or delegated to the city by the state through its legislature, and, as exercised, does not contravene any of the provisions of Section 1571 m-20 and 1571 m-33 of the Supplement of the Code of 1913.

In regard to the power of the city to pass the ordinance in issue the supreme court says:

Was there power in the city, to pass and adopt the ordinance complained of?

This presents two propositions: 1st. The right of the city to exercise control over the streets and alleys within its corporate limits and to regulate their use.

2nd. The right of the citizen to the free and unobstructed use of the streets for unobstructed travel.

Section 753 of the Code of 1897 provides: "They, (meaning cities and towns), shall have the care, supervision and control of all public highways, streets, avenues, alleys, public squares and commons within the city, and shall cause the same to be kept open and free from nuisance."

Section 755 of the same Code provides: "They shall have power to restrain and regulate the riding and driving of horses, live stock, vehicles and bicycles within the limits of the corporation, and prevent and punish fast or immoderate driving or riding within such limits."

Under these statutes, the care and control of the highways, streets, and sidewalks within cities, are committed to the proper governing body of the municipality, to the end that they may secure to the inhabitants and the general public, the convenient and unobstructed use and enjoyment of those thoroughfares for their appropriate purposes. So the state, through its legislature, has conferred upon cities the right to adopt ordinances to promote the order, comfort, and convenience of the inhabitants, that are reasonable and not in conflict with the laws and policies of the state, or in violation of private rights.

Separating in our minds for a moment, the individual, from the public, as an aggregation, and looking now to the traveling public, those who use and have a right to use the streets and highways for the purposes for which they are set apart—the mind reaches the conclusion without any confusion of thought, that the public have an untrammeled right to free and unobstructed transit over streets, sidewalks, and alleys. This is the primary and appropriate use to which they are generally put; therefore, whatever interferes, unreasonably or unnecessarily, with this use, is a nuisance which the council may prohibit by ordinance, and so it is made its duty to keep streets and sidewalks open and in repair and free from nuisance, to the end that this right may be secured.

Section 5078 of the Code of 1897 provides:

"The obstructing or encumbering by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds are nuisances."

In White vs. Kemp, 11 Ohio State Reports, 550, that court said: "The public have a right of free and unobstructed transit over streets, sidewalks and alleys, and this is the primary and appropriate use to which they are generally put. Whatever interferes unreasonably or unnecessarily with this use, is a nuisance which a city council may well prohibit by ordinance. Individuals have no right to appropriate the sidewalks to the use of their own trade or business in such a manner as to interfere with their public use."

In Wilkes-Barre vs. Barabed, 11 Pennsylvania Superior Court Report, 355, that court said: "The sidewalk of a public street of a city are parts of the streets. Any obstruction of the sidewalk is therefore, an obstruction of the street and a nuisance. But it is a public nuisance because it interferes with the free use of the street by the public in general, and not merely by a particular person."

See Ex parte Taylor, 87 Cal. 91; Marini vs. Graham, 67 Cal. 130.

The ordinance in the instant case, does not declare the obstruction of the streets by the parking of automobiles upon the streets, a nuisance, but proceeds upon the theory that the general law so declares and provides. It simply forbids the obstruction, and declares that such obstruction shall be unlawful. This it does, under the

exercise of its police power, and the authority expressly granted by the statute. It does not contravene the state law prescribing penalties for obstruction of highways. The penalty is not of a different character or in excess of one prescribed by the statute, but is of the same character only less in degree.

In Commonwealth vs. Stodder, 2d Cush. 562, 48 Am. Dec., 679, it is said: "We perceive nothing objectionable in an ordinance providing for the safety and convenience of the public generally by prescribing by general law, or by ordinance, certain streets or portions of streets to be used for travel by vehicles * * *. Such regulations and restrictions might be warranted even to effect the minor object—that of preventing the greatly obstructing; the free and convenient use of the streets for general purposes."

Vanderhurst vs. Tholcke, 113 Cal. 147, 35 L. R. A. (O. S.) 267. This was an action to enjoin the city or its officers from cutting down certain trees standing or growing on a sidewalk in front of plaintiff's premises. The court below found that the trees did not constitute a nuisance and dismissed the case. On appeal it was said: "It is contended that the finding that the trees do not constitute an obstruction or a nuisance is without competent support, and this is the material question arising, since, without the aid of this finding the judgment cannot stand * * *. Under the charter of the city, the common council is given the general care, custody and control of the streets, with power to lay out, open, alter, vacate, improve, cleanse and repair the same. Under this grant of power, there can be no question that the city authorities can, and it is their duty to, cause the removal of anything constituting an obstruction of the streets * * * since everything which is an obstruction to the free use of the public streets constitutes a public nuisance * * *. It is not essential to the power of the city to remove the trees that they should completely obstruct the walk or take up the entire width thereof. The degree of obstruction justifying their removal, is a question for the city * * *. The public is entitled to the free and unobstructed use of the entire street * * * for the purposes of travel, subject only to the proper and reasonable control of the municipality."

See also Chase vs. Oshkosh, 81 Wis. 313

15 L. R. A. (O. S.) 553; State vs. Sugarman, 126 Minn. 477, 148 Northwestern, 466.

In the latter case the ordinance prohibiting the obstruction of the street by persons gathering upon a foot walk or side walk of the street so as to obstruct the free passage of foot passengers. The ordinance provided: "Three or more persons shall not stand together or near each other in any street, or on any foot walk or sidewalk in said city, so as to obstruct the free passage for foot passengers; and any person or persons so standing shall move on immediately after a request to do so, made by the mayor, chief-of-police, or any police officer or watchman." The court further said: "The main attack is directed against the ordinance. It is contended that the city had no power to enact it. * * * The regulation of traffic upon the crowded thoroughfares of a large city is so imperative that a court should hesitate to deny that this is among one of the police powers granted to the same."

The court further said: "The purpose of the ordinance must be kept in view. It is to secure to the public the use of streets for unobstructed travel. Street and highways are dedicated, secured and maintained, primarily, for public transit, and must be so preserved. All other uses thereof must be subordinate or yield to the right of free and unobstructed passage. This ordinance must be considered as an aid of this primary use of the street, and not as a prohibition or regulation of assemblies therein, except as these interfere with the public travel. * * * It might also be said that the power given to prevent public nuisances is sufficient authority for the enactment of the ordinance. Obstructions of public streets, whether by inanimate objects or by persons, would seem to come within the definition of a public nuisance. * * * The city is specifically charged with the care and maintenance of the streets for public travel, and as a necessary incident, it would seem, proper regulations are indispensable so that travel may not be impeded or obstructed. The power to make rules and enforce them is required both for the convenience of travel, and the protection of the streets."

McQuillin on Municipal Ordinance, Section 458, says:

"It is undoubtedly true that police power extends to all reasonable regulations relating to

the keeping of sidewalks, streets, and public ways free from obstructions and nuisances, and all proper restraining regulations relative to the use thereof."

In Commonwealth vs. Fenton, 139 Mass., 196, it is said:

"A municipal regulation which prohibits any person from allowing his vehicle to stop in the street for a longer time than twenty minutes, is a valid police regulation, and on a complaint for violating the provisions of the regulation, evidence that defendant has a license as a hawker or peddler, from the commonwealth, is immaterial."

In Commonwealth vs. Brooks, 99 Mass. 434, the same doctrine is recognized, although the defendant was acquitted on the ground that his violation was not intentional.

See also Gilcrest Co. vs. City of Des Moines, 128 Iowa, 49.

Lacy vs. City of Oskaloosa, 143 Iowa, 704. This was an action to restrain the defendant city and its officers from removing certain hitching posts or racks which had been planted and maintained along the street and bordering on a public park. The defendant contended that it had a right to remove them under the statute and by virtue of the police power vested in the city. The petition was dismissed by the court, and the plaintiff appealed. In disposing of the case, the court was called upon to deal somewhat with the questions presented in this case. The court said:

"By statute, the control and care of the streets are vested exclusively in the city, and it is made its duty to see that they are kept open and in repair and free from nuisance. * * * The powers thus conferred are legislative in character, and, within the limits prescribed by statute, are plenary. * * * The only limit upon them which courts have been inclined to recognize is, that they shall not be exercised unreasonably. The wisdom of a legislative act is not a matter for judicial consideration or review, nor will courts inquire into the necessity of a change or improvement in a public street, ordered in due form by municipal authority. The statute provides that the obstruction or encumbering of public roads by buildings, fences or otherwise is a nuisance. Code Section 5078, and as we have already seen, cities are charged with the

duty of keeping the streets free therefrom. The primary use or purpose for which streets are established is to afford the public a way of passage or travel * * *. A "street" is a public way from side to side and from end to end, and any private use thereof which, in any degree, detracts from, hinders or prevents its free use as a public way to its full extent, is within the meaning of the law, an encumbrance. * * * The fact, that, notwithstanding the obstruction, there is still ample room left for passage of teams and travelers, will not exempt it from liability to removal whenever ordered by the proper municipal authority."

See also as bearing on this point, Quinn vs. Bagge, 138 Iowa, 426; Morrison vs. C. & N. W. Ry. Co., 117 Iowa, 587.

We have these propositions established so far as the city and the general public are concerned:

That the public streets of a city are dedicated to public use, and are a public way from "side to side and end to end", and that any private use thereof, which, in any degree, detracts from or hinders or prevents its free use as a public way to its full extent, is, within the meaning of the law, an obstruction or encumbrance, and any obstruction or encumbrance for private purposes is in law a nuisance.

That the city is given the exclusive care and control of the streets, and it is made its duty to keep them open and in repair and free from nuisance; that the primary use or purpose for which streets are established, is to afford the general traveling public a way of passage or travel and the general traveling public are invested with the right to have them in repair, and free from nuisance that this right may be enjoyed.

This brings us to a consideration of the right of the individual in and to the use of the streets, separate and distinct from his right as a member of the general traveling public.

In 1812, Lord Ellenborough of England, had occasion to speak on this question. He spoke in the case of Rex vs. Cross, 3d Campbell's Reports, page 224. In this case the defendant was indicted for causing and permitting coaches to stand and remain for a long and unreasonable time in the public highway, to the great annoyance of his majesty's subjects. Lord Ellenborough said: "And is there any doubt

that if coaches on the occasion of a route, wait an unreasonable length of time in a public street, and obstruct the transit of his majesty's subjects who wish to pass through it on carriages or on foot, the persons who cause and permit such coaches to so wait are guilty of a nuisance?

* * * The king's highway is not to be used as a stable yard. It is immaterial how long the practice may have prevailed, for no length of time will legitimate a nuisance * * *. A stage coach may set down or take up passengers in the street, this being necessary for public convenience; but it must be done in a reasonable time; and private premises must be procured for the coach to stop in during the interval between the end of one journey and the commencement of another. No one can make a stable yard of the king's highway."

He spoke again in Rex vs. Jones, 3d Campbell Reports, 230. In this case the defendant occupied a small timber yard. From the narrowness of the street and the construction of the yard, he had in several instances, necessarily deposited long sticks of timber in the street, and had them sawed into shorter pieces before they were carried into his yard. Judge Ellenborough said: "The cart or wagon may be unloaded at the gateway, but this must be done with promptness. So as to the repairing of a house. The public must submit to the inconvenience occasioned necessarily in repairing the house, but if this inconvenience is prolonged for an unreasonable time, the public have a right to complain, and the party may be indicted for a nuisance. The rule of law upon this subject is much neglected, and great advantages would arise from a strict and steady application of it. I can not bring myself to doubt the guilt of the present defendant. He is not to eke out the inconvenience of his own premises by taking in the public highway into his timber yard, and, if the street be too narrow, he must remove to a more commodious situation for carrying on his business."

In Cohen vs. Mayor of New York, 113 New York, 532, (New York Court of Appeals), 4 L. R. A. (O. S.) 406, the court said:

"The storing of the wagon in a highway was a nuisance. The primary use of a highway is for the purpose of permitting the passing and repassing of the public, and it is entitled to an unobstructed and uninterrupted use of the entire

width of the highway for that purpose." The court further said: It is no answer to a charge of nuisance, that, even with the obstruction in the highway, there is still room for two or more wagons to pass; nor that the obstruction itself is not a fixture * * *. The highway may be a convenient place for the owner of carriages to keep them in, but the law, looking to the convenience of the greater number, prohibits any such use of the streets."

The authorities seem uniform in holding that a person cannot carry on his business in a public street in such a way as to obstruct the street, either by placing actual physical obstructions upon it, or even in such a way as to collect crowds upon the walk, or in front of his business or so as to interfere with the public travel. If he does he is chargeable as for nuisance. The fact that the business is lawful, does not justify him in interfering with, or annoying the public, in the obstruction of the free use of the streets. The right given the citizen is to use the public highway for travel, but not so as to impede the free passage of other citizens upon it generally.

The plaintiff's claim is summed up in the 5th paragraph of his petition, and this brings us to a consideration of the claim that the ordinance is in excess of the lawful power of the city, and void. This contention rests upon the thought suggested that the state has taken from the city the powers to prohibit or restrict the standing of private automobiles in the streets. This contention rests upon the claim that in the enactment of Chapter 2 B, Title 8, Code Supplement of 1913, the state has taken away from the city the power to regulate and control the use of automobiles upon all public highways, including the streets of the city, and that the city has no power to pass any ordinance, rule, or regulation such as is here complained of. It cannot be contended that by the enactment of this chapter, the state, through its legislature, has taken away from the city all right to regulate the occupancy of the public streets under the power theretofore existing in the city; that it has taken away from it the power to keep it free from nuisance; and open and free to the general public as an avenue of travel.

It is true that in Sub Division 13, 14, 15 and 16, of this Chapter, the state has made some regulations touching the standing of automobiles

upon public streets or highways. Sub-Division 13 of Section 1571, m-18 makes it unlawful for the operator of a motor vehicle to leave the vehicle standing upon any street in the business district within twenty feet of the corner or within twenty feet of a hydrant, unless such vehicles is in charge of some person capable of driving the same.

Sub-Division 14 provides that no motor vehicle shall be left standing in front or within fifteen feet of either side of the entrance of a theatre, etc., where large assemblies of people are being held, except in taking or discharging passengers or freight.

Sub-Division 15 provides for the control of these vehicles under the direction of the police.

Section 16 makes it unlawful for the operator or person in charge to leave unattended upon any street or highway, a motor vehicle while any part of the machinery is in motion.

These are positive inhibitions and directions from the state and are effectual, and must be enforced as just and reasonable regulations on the part of the state of the use of public highways within its limits.

It is true that Section 1571, m-20 provides that local authorities shall have no power to pass or enforce, or maintain any ordinance, rule or regulation requiring from any owner, to whom this act is applicable any fee, license or permit for the use of the public highways. It is true that it provides, that municipalities may not exclude the owner of an automobile from the free use of the public highway.

In passing on the last proposition, it is sufficient to say that this ordinance does not exact any fee, license, or permit from the owner of any automobile for the privilege of using the public streets. It does not exclude any automobile owner from the free use of the public streets. We interpret this to mean the free use for the purposes for which streets are primarily dedicated; the free use of the streets for public travel. Clearly, it cannot mean that the city is prohibited from preventing the obstruction of its streets by the leaving of automobiles standing therein, to the hindrance and inconvenience of the general public in the use of the streets for travel.

While the statute provides that no municipality can exclude an automobile owner from the free use of the public highway, it can not with

reason be said, that, by such enactment, the legislature undertook to, and did, repeal Section 753 of the Code of 1897, insofar as it gives power to a city to keep its streets open and in repair, and free from nuisance. It cannot be interpreted to mean, when it said, "The city shall not have power to exclude such owner from the free use of the public highway," it meant, thereby, to say and did say, that, thereafter, the city had no power to prevent a citizen "from making a stable yard of the king's highway." If the restrictions and regulations for the use of automobiles upon the public highways provided for in Chapter 2-B of Title 8, Supplemental Code 1913, were the only regulations and restrictions that could, under any circumstances, be made binding upon a citizen or user of the public streets in the crowded thoroughfares of a large city, then the city would be powerless to prevent the absolute obstruction of its streets by the standing and crowding of automobiles thereon, even to the extent of an absolute hindrance of the use of the streets, for their primary purpose. In fact, so far as automobiles are concerned, it would prevent the city from keeping them open and free from nuisance. Thus the general public welfare would be subordinated to reckless disregard of the rights of others in the use of the public thoroughfare within the city.

The plaintiff's contention, when reduced to its last analysis, is, that, under this act of the legislature, all automobile owners and drivers are given full license to stop their cars upon the public streets when and where they please, and for such a length of time as suits their pleasure and convenience, and to leave them standing there, though to the great prejudice and inconvenience of the general public desiring to use the streets for their primary purposes; and the city, whose duty it is to keep the streets open and free from nuisance, is rendered as helpless as the shackled prisoner at the bar. The mere statement of the proposition is its own answer.

Conceding, for the purpose of the argument that the legislature has given to the automobile driver the free use of the public streets, and that the city has no power to exclude from the free use of the public streets, we must construe this language to mean that free use which is involved in the right to come and go and drive upon the streets without let or hindrance. The idea of

the free use of a street does not involve the right to obstruct the free use of the street. If one man, in the exercise of his right to the free use of the street can stable his automobile upon the public street and leave it standing there, any number of persons can exercise the same right, until a point is reached where the travel upon the street is absolutely obstructed. Each, under plaintiff's contention, would be exercising his right to the free use of the street.

We do not find anything in this ordinance, inconsistent with or contrary to, the provisions of the chapter relied on, and we think the ordinance is reasonable in its provisions.

Upon the whole record, we think the court erred in overruling defendant's demurrer to plaintiff's petition, and in granting the writ as prayed, and the case is therefore reversed.

REVERSED

Evans, C. J., Ladd and Salinger, J. J., concurring.

ROAD SURFACING

Road surfacing, as distinguished from applications of oil for dust laying, is covered in principle and practice in a booklet, Trinidad Liquid Asphalt, just issued by The Barber Asphalt Paving Company (Philadelphia). The essentials of successful "carpet coating" with asphaltic materials are fully explained. As illustrations the pamphlet contains photos of park drives, city boulevards, suburban streets and country roads resurfaced with liquid asphalt by both hot and cold applications. Full specifications, in the form of explicit directions for the laying of carpet coats, are included. A copy of this booklet can be secured free by writing The Barber Asphalt Paving Company.

The United States Cast Iron Pipe & Foundry Company announces the removal of its Southern Sales and Traffic Offices from Chattanooga, Tennessee, to 1002 American Trust and Savings Bank Building, Birmingham, Alabama. This change becomes effective April 1, 1916.

Preliminary plans and specifications are completed for water works improvements for Escanaba, Michigan, estimated cost of the entire work being \$443,000.00. Bond election for the above amount will be called within a short time.

The Failure of Public Regulation

From Pacific Municipalities

Far-sighted people, viewing the growth of the movement for the regulation of public utilities through the medium of state commissions, have been free to predict that it only required the lapse of a period of time before the public would render a verdict to the effect that proper control by a public body was a failure; that it would be found to be impossible to so weigh the public interest on one side of the scale and the private or monopolistic interest on the other side that an even balance could be maintained except during short intervals.

"Fairness" as a proper medium between two conflicting interests, is such an infinitesimal point that no human mind can discover it. To attempt to apply rules by which both sides may be evenly balanced in the scale is as difficult as it is to balance a large mass upon the point of a needle.

One side or the other is sure to receive an advantage over the other and it is a safe assertion to make that it will be the public that will bear the heaviest burden.

The public utility concerns are too powerful, too strongly intrenched in the political system of the country to permit injustice to be on their side, and, on the other hand the public and its representatives are handicapped by a lack of knowledge of conditions and by an indifference as to effects.

Delos F. Wilcox, who has a most intimate knowledge of the subject, writes as follows:

"The chief frailties of human nature are well known. It was easy to foresee, and is still easier to after-see, the chief weaknesses of the commission movement. It was clear that if the commissions should come to be manned by men who were politicians in the usually accepted meaning of that term, their efficiency would be destroyed and they would merely get in the way of constructive progress. A politician in public office may be defined as a man who has his mind on something else, while he goes through the motions of performing his official duties; and

obviously, with so difficult, complex and technical a task as that of the public service commissions, a politician in such an office would be an unspeakable calamity.

"Moreover, the experience of the country with city councils, state legislatures, congress, the railroad commissions and even the courts, had been such as to make it easy to see the imminent danger that these new offices would come to be filled with men who, either corruptly or "honestly", would think the thoughts of the corporations which they were set to regulate, and in effect would assume their own function to be the protection of the corporations not merely from undiscriminating popular wrath, but from the very law itself.

"From the standpoint of the conservatives there was the countervailing danger that shallow and flighty radicals might be appointed to the commissions and "play hob" with the solid investments of the people. This danger is a legitimate bugaboo that has to be thought down as the result of experience and observation. Doubtless if the commissions had the final power to do harm to legitimate investments, the appointment of unsound radicals to the commissionerships might easily prove to be a frightful calamity, not only to investors, but to the community as a whole. But all our political experience in this country goes to show that corporate interests know well how to take care of themselves in the matter of appointments to public office, and also that official responsibility tends to generate conservatism in those who have been ignorantly radical. Moreover, the great powers given to the commissions are not final but are subject to the ultimate arbitrament of the courts.

"Another danger that could easily be foreseen was the possible inability of the appointing power to induce men of adequate stature to accept the heavy obligations of work and responsibility necessarily attaching to these offices. It was notorious then, as it still is, that the corporations, which, from the possession of

monopoly privileges, are enabled to tap the pockets of the people daily, monthly or quarterly for the price of certain necessities of urban civilization, have more ready cash to spend and more willingness to spend it in subsidizing brains, than the state itself has. It was to be expected that the effort to bring public service corporations under closer supervision would result in the multiplication of their defensive operations and, consequently, in an enormous increase in their demand for high-priced experts in the legal, engineering and accounting professions. The corporations understood, and we all are coming to understand, that subsidized experience and intellectual adroitness can mold to their own purposes honest mediocrity in public office, or at the very least, can so muddle it as to prevent any effective action inimical to the interests in whose service brilliancy is enlisted."

Mr. Wilcox goes on to call attention to the fact that the crisis has been reached in the case of the New York State Utilities Commission, and that body is now under the complete control of an abject crowd of political servitors as ready to do the work of the utility corporations, as was the government of the city of New York when under the control of the high chiefs of Tammany Hall.

Mutterings of similar character are being heard concerning the utility commissions of other states—mutterings that will increase in volume as, act by act, the public attention is focused upon them.

The California commission has thus far not received, nor probably has it merited, any severe censure. It seems to be striving to be fair to both sides and is finding it exceedingly difficult to sustain this position. We, who are on the outside, can see the strenuous efforts that the public corporations are making to gain advantages not deserved over the public which they serve. We note the efforts that are made to have the commission "modify" its rulings. We see the efforts of their highly-priced experts to deceive the members of the commission and their occasional attempts to injure their reputation. They are preparing for a political reaction that will come to hand in this state sooner or later and then—the earth is theirs in California as it is in New York!

And then what? Then the public will see

just as it has been predicted, that state control has failed just as municipal control has failed. It will be realized that public control without public ownership is impossible of accomplishment.

So perhaps it is just as well that the end should come as soon as possible. Let the utility corporations control the utility commissions as soon as they wish and then let them see what will happen.—H. A. M.

AIDING TRAFFIC OFFICERS

In winter in northern cities, traffic policemen, whose duties keep them standing at one street intersection nine or ten hours a day, suffer severely at times from cold feet, literally and physically. Early in the winter, the city council of Pittsburgh took up the subject of installing some device to ameliorate this discomfort. Drew Johnston of the Duquesne Light Company was consulted and he invented the "Tootsie-therm," a foot warmer, as its name indicates, which has proved successful.

The "Tootsie-therm" is a plate 18½ inches square and 1½ inches thick which is connected with an electric plug and switch on a pole at the street corner, current being conducted through a flexible armored cable. This method was adopted in preference to a stationary heater in a hut at the curb corner, which would have been a constant temptation in cold weather for the policemen to neglect their duty. When he leaves his post or when the weather is not severe, the officer carries the heater to the curb and pulls the plug from the socket.

The switch controlling the heat permits of four temperatures, which can be changed to meet the weather demands. At no time does the foot plate develop a temperature that will burn the soles of the shoes. The idea is not so much to warm cold feet as to keep the feet from getting cold. For all ordinary weather conditions the heater can be operated on less current than is required for two ordinary 40-watt bulbs such as are used in residence illumination.

Columbia University will hereafter confer the degree of Master of Science upon graduate engineering students who satisfactorily complete the graduated course in highway engineering. From 1911 to 1915, the graduate engineering students who have specialized in highway engineering have been candidates for the degree of master of arts.

Country Roads and City Streets

T. Warren Allen of the Bureau of Public Roads and Rural Engineering, Washington, D. C.,
Before the League of Nebraska Municipalities

To you gentlemen, who are interesting yourselves in the affairs of the municipalities of Nebraska, the Nebraska country roads, whether they be national, state, county or town, should be a very absorbing topic. Without them you may not exist. With them the sort of existence you may enjoy will depend, in a large measure, upon their quality and their quantity.

The importance to a city or village of the development of a well devised, designed, constructed and maintained system of roads into the territory surrounding such city or village is rarely properly understood. If you will make a study of these conditions you will find that a city is dependent upon that outlying section into which there has been constructed and maintained the best roads, and that when the roads are adequately improved into a section previously unserved or served only with very poor roads the city will experience a decided forward movement. It will respond in a new and healthy growth. The county of Multnomah, Oregon, in which is situated the city of Portland, has very lately invested a large amount of money in roads radiating from the city. Over a million dollars was spent on a single road, the now famous Columbia highway. The city of Portland paid, by far, the largest proportion of the cost of constructing these roads, and although the roads have been completed but about a year the city of Portland has already received benefit in excess of the amount expended. The benefit to the outlying districts due to road development is proportionately great. I own an interest in a farm in Jefferson county, New York State. A few years ago a road was built by this farm to the city of Watertown, and the value of the farm was increased thereby to over one hundred dollars an acre from its previous value of about seventy dollars. Therefore when you take up your transportation problem you do well in relating that it is not one confined to your city streets.

Looking at your highway problem in a

general way I would say that you should classify the highways in your state as national, state, county, town or local, and municipal. Such as would be of national importance I would classify as national highways. These would be through routes across your state, or routes connecting state capitals. State highways would be those crossing counties or connecting county seats, and so on.

Whether you are to build roads in cities, towns, or the rural districts there are certain preliminaries to be attended to which are common to all. The most important of these is to secure the direction of the work by someone fully qualified by training and experience. Make sure the man selected in each case is the proper one by finding out what he has done and where; then make a personal inspection of his work. You cannot afford to imperil your progress by putting an incompetent at work, and your efforts to ascertain a candidate's proficiency should be exhaustive. This applies also to your rural highway work. Your rural highways throughout the state should be in the charge of one man, and he should be the ablest highway engineer you can find. From a very brief survey of the present situation, it appears to me that your counties have insufficient revenues to make advisable a separate organization in each county, and I believe that for the present, at least, you would better work to establish a state highway department to control your county highway situation. This would be a move in the direction both of economy and of efficiency. Make sure when establishing such a department to put it beyond the reach of envious and self-seeking politicians. It is my impression that this should be accomplished through an amendment to your state constitution. Simple legislative enactment is too easily rescinded or amended; as witness the periodic somersaults accomplished in other states.

PUBLICITY WILL BUILD ROADS

To effect sustained improvement in public

works, it is not sufficient to have the best direction; you must also have the people back of you, and to accomplish this there must be a well planned scheme of publicity. I mean by this that there must be kept accessible records showing all moves made, and in sufficient detail to exhibit exactly what it is proposed to do in the way of improvement, and the probable cost, and an intelligent resume of these records should be published at intervals. Later, after the work has been completed, there should be a statement published showing what has been done, and the actual cost. This cost statement should be in sufficient detail to enable a comparison to be made with similar work done previously, in the same locality, or elsewhere. If the taxpayers know that the construction of a certain road or street is expected to cost a certain amount, that this estimate of cost compares favorably with similar work done elsewhere or previously, and that upon completion the actual cost is found not to exceed the original estimate, they will be much less inclined to object to the size of the bill they have to pay, and more anxious to retain in office the official who has thus proved his value.

Your engineer when he takes charge of state, county, or municipal work, should at once proceed to take stock. Before he may proceed intelligently he must know where he stands. He must make an inspection and an inventory of all property placed in his charge and put a valuation upon it. This applies to streets and roads as well as picks, shovels and road rollers. He will need to prepare a statement showing all of this. This statement will show that he has certain streets and roads of specified dimensions, constructed of a certain type at a certain cost. A certain amount has been expended for maintenance and the present value is a certain amount. It will be necessary to have a map prepared showing the existing street or road system. The next work should be the preparation and submission of an estimate of the amount of money necessary to maintain existing streets and roads in at least as good condition as funds that may be made available for that purpose will permit, and then there must be a statement to determine the sufficiency of the existing system to fulfill present and future requirements. This study of future requirements must be conducted in the most thorough and careful manner, and upon the far

sightedness of those making it will depend in a large measure the state of prosperity you will ultimately attain. Your improvements should anticipate rather than be forced by the necessity. They should induce progress.

ROADS SHOW YOUR PROGRESS

No truer insight into the state of a community's progress may be gained than by an inspection of its roads and streets, and no community can acquire sustained progress which does not provide ways over which traffic may move efficiently and economically. This is another instance where the quotation "By their works ye shall know them" is fully applicable, and those who come into your towns or ride through your rural districts and find them wanting in this most important feature, will need strong arguments to induce them to settle there.

The so-called permanent road or street of today is a misnomer. There are some types which are more durable than others, there are certain types of pavement which, if properly designed, constructed, and maintained, may last for a long time without reconstruction, but there has been no pavement built so far, which has carried traffic without wear, and there has been no continuous, effective maintenance to affect the wear. There are many types of road, and the durability of each, supposing there has been proper design, construction, and maintenance, depends upon the traffic to which it is subjected. It would therefore seem, that to select the proper type to construct in any instance, it would be necessary to take into consideration the traffic which may reasonably be expected to pass over the road in question, and the wear that such traffic will produce on the various types of pavement from which the selection may be made. This seems like a very reasonable proposition, but nevertheless, it is very difficult to find any reliable data giving the amount of wear of pavements in terms of the traffic coming upon them. In Europe some information along these lines has been obtained but it is not available in such shape as to be of much value to us here. This is another line of research work which your Municipal League could very properly take up, and I believe the information which you would be able to arrange to get together, would be of incalculable value to the officials of all municipalities in the solution of their pavement problems.

I would suggest that this research work be taken up by the officials of one of your larger cities in connection with their regular work, and that it be supported by contributions from all of the municipalities of the state, each contributing approximately in the ratio of the total amount each city has invested in pavements, to the grand total for all cities.

TRAFFIC CENSUS AND WEAR RECORD

The work suggested would consist in the selection of certain streets in a city, and taking a traffic census upon them at regular intervals. For example, suppose you select twelve typical points at which to take the census; three to be where the paving is of granite blocks; three where it is of brick; three concrete; and three asphalt, and at each of these points take a traffic census every thirteenth day. Then, at regular intervals, say once in six months, take measurements at these points to ascertain the wear of the pavements. You will readily understand that this work will not show decided results for some time, but, if conscientiously followed up, you will eventually obtain information of very great value which today is not available. Before you inaugurate this work, go into the subject carefully so as to eliminate as nearly as possible, all factors of uncertainty. Have careful chemical and physical analyses made of the materials used in the construction, and at intervals later on have similar analyses made to determine what change, if any, has taken place. I venture to assert, without fear of contradiction, that no one can today tell you even approximately, what amount of traffic your pavements are subjected to, or just what effect this traffic is having upon them. You therefore do not know whether the pavements which you now have are of the types they should be to carry the traffic they bear at present, to say nothing of future increases, and when you do new construction you are just as much in the dark. You should not, of course, cease improvement work because you lack this information. Such work must continue, and be conducted in the light of the best experience available, until research develops something more definite and more reliable to guide.

FEDERAL GOVERNMENT INTERESTED

The classification of your streets and roads, in my opinion, should in most cases, determine the sources of the money for construction. Thus

it would seem that the federal government should contribute to the amount required to construct and maintain highways national in importance; the state to those of state-wide importance; and so on. I am unprepared to say whether the federal government, because of its interest in these highways arising from their influence upon the general welfare through the well-being of local users, should contribute in the case of state, county, local, or municipal highways, but in a smaller proportion than for national highways.

I have purposely refrained from discussing types of pavement. These are earth, sand, clay, gravel, water bound macadam, bituminous macadam, bituminous paving on concrete, wood block on concrete, concrete, brick on concrete and stone blocks on concrete. A pavement should permit economical transportation, be durable under the traffic it has to carry, capable of cheap maintenance, safe for travel, cheap to construct, sanitary, and quiet. Some of the above types fill many of the requirements given and others but few. Each case must receive separate consideration and without knowing local conditions it seems idle to compare the merits of the various types. The type should be selected to fit the individual case and after such selection endeavor should be made to build the very best example of that type, paying especial attention in each case to secure adequate drainage and a well consolidated subgrade. The problems to be solved are so numerous that to give the subject more than general consideration would require more time than either you or I have at our disposal at this time. The problems that need to be solved in the use of Portland cement in concrete alone are almost infinitesimal. The bituminous products offer another extended field for research.

In conclusion I wish to call your attention to the office of Public Roads and Rural Engineering. The work of the office as the name implies, is along the line of rural public works; roads, farm irrigation, drainage, and sanitation, including water supply, sewerage, ventilation, lighting and heating for the farm home, rural architecture and farm mechanics. In its field of endeavor the office is anxious to be of the utmost service. We have a field office in the Tramway building in Denver, Colo., and requests for assistance or advice sent there will receive prompt attention.

You will get the same service by writing to the main office in Washington, D. C., but I suggest Denver because it is nearer. When the question is one of public roads in the rural districts, subject to the approval of the state highway officials, or in their absence, the governor, we would be pleased to detail a highway engineer temporarily to assume charge of your highway work, state, county or town. Such engineer would be detailed to you free of salary charge, and would remain with you until you are well started and things are running smoothly. He would then be withdrawn and an engineer of your own selection left in charge to continue the work. Should you so desire, we would continue indefinitely to exercise a general supervision, through occasional inspection of the work of your engineer, advising him and reporting to you our findings.

I trust I may be excused if I have seemed to minimize the importance of your city paving problem, and dwelt rather upon the necessity for work along the lines of the rural highway. If I have seemed too insistent that this is your problem, it may be partially because it is my hobby, but it is principally because I have made considerable study of the general question and feel sure that I have assumed the right attitude. I know that if you tackle and push to conclusion some well-thought-out scheme for the development of your rural highways, you will, in the early stages of the game, feel the same persistent force pushing you to get in condition for action, the arteries through which can be pulsed the life blood of commercial prosperity.

QUESTIONS ON MR. ALLEN'S ADDRESS

Burnett, councilman of McCook. How thick should the base be for brick paving?

Allen answered. Build with a heavy base. Four inch base is not enough. You are doing better in Nebraska than in many places in California where three and one-half to four and one-half inch base is used. Five, five and one-half and six inch base is better.

Burnett. If we figure on a six inch concrete base how much of a cushion should we place under the brick?

Allen. I suggest no cushion of sand but place the brick directly upon the concrete.

Larson of Freemont. For a growing place do you recommend brick or asphalt?

Allen. Asphalt is not as desirable as brick

paving for a small place. You need more machinery and tools to repair asphalt. The brick is easily repaired and stands all classes of traffic better.

VanEvery of Hastings. What new method is there to clean brick streets?

Allen. No new plan. Sweep them and keep at it is the best so far.

Hershey of Beatrice. Are transverse expansion joints necessary in concrete roads? Allen. Yes.

Kibler of Kearney. Do you know of places where the concrete road is covered with a sheet of asphalt? Allen. Yes, it is done in California and has proven a success, using a three-eighths to one-fourth inch covering.

Mayer of Beatrice. Does not the weather have much to do with the life of concrete and asphalt, as in California? Allen. No, I believe not.

Ozman of Lincoln. What cities have data on tests and records of paving laid? Records that you suggest we start?

Allen. In Philadelphia and New York a beginning has been made to note the travel census and wear and repair of different kinds of paving. In Nebraska you should do likewise. It will be valuable to refer to.

Bredenberg of Wahoo. What success are cities having with the combination guide post and light in the center of intersections?

Kebler of Kearney, answered. It is cheaper than many policemen to direct travel. It helps keep autos on the proper side of the street and out of the middle. The system is always working.

Hershey. Why not change the present paving law that says 51% of the property owners may prevent paving and make it 51% of the foot frontage represented?

Madgett of Hastings, answering. That law works both ways. In some places many owners own small tracts in a district and in others a few owners will own a larger number of lots.

A matter I think should be changed in that section of the law, is the time for filing protests. It should be within thirty days after bids are in and not thirty days after the passage of the paving ordinance.

Clippings From Rate Research

DEPRECIATION OF GAS PLANTS

An extended discussion of depreciation is given in the decision of the Illinois Public Utilities Commission in the Springfield case in which the holdings of various courts and commissions are reviewed.

"It appears that of the entire general subject of depreciation, two phases of the situation are primarily at issue in this particular case—(1) whether or not depreciation is to be deducted from estimated cost new or from present value, and (2) whether or not the rate of depreciation in the past is fundamentally different from the rate which the future will reveal.

"Depreciation may be divided into two classes—physical, due to wear and tear, and functional, due to inadequacy and obsolescence which require replacement of equipment before it actually is worn out. Depreciation of both classes is divided further into complete and incomplete depreciation. The former presents that part of the original equipment, which, through destruction or obsolescence has perished as useful property, whereas the latter represents impairment in value of the portions of an aggregate plant which remain in existence and in continued use (cf. Knoxville case). A case in the Federal courts expressly recognizing the inclusion of functional depreciation is that of Des Moines Water Company vs. city of Des Moines (1911). After discussing briefly the reproduction method of valuation, the court states to-wit:

"* * * and from which, to get at the value of the present plant, there would be deducted the value of depreciation, either by functional or physical depreciation.' (192 Fed. 193, 197).

"The decision of the lower court was afterwards affirmed in the Supreme Court of the United States (35 Sup. Ct. Rep. 811).

"It is the opinion of this commission that the weight of authority compels a reasonable deduction from cost-new for accrued depreciation—both physical and functional—and further

requires in equity to both consumer and utility an identical treatment of the subject in all its phases. The amount of such depreciation deduction, however, is a matter of judgment, or as Mr. Justice Hughes points out in the Minnesota rate case:

"It is not a matter of formulas, but there must be reasonable judgment having its basis in a proper consideration of all relevant facts."

"As to whether or not the public utility property depreciates after its original installation, the reasons customarily advanced for the elimination of such accrued depreciation consist of a belief (1) that the reproduction-cost-new (undepreciated) is the amount of money which would necessarily be expended by a utility in duplicating its plant, (2) that a well operated utility, from a consumer's point of view, in delivering 100 per cent service is in 100 per cent service condition, irrespective of an actual deterioration of physical plant, which will render ultimate replacement unavoidable, and (3) that a fair rate-of-return, therefore, should be based upon a cost-new and not upon some depreciated value.

"Preponderance of judicial decisions supports this view. Where the courts, in rare instances, have taken other attitudes, it may be attributed generally to some special consideration involved in the case under trial, such as a proven marked deficiency in past earnings, which were quite inadequate to compensate the utility for accrued depreciation. The courts may also have been influenced by a doctrine that excessive utility earnings of the past, under an archaic standard of business ethics, ought not possibly to bear weight in a procedure of rate-making based upon the more recent standard of regulation by the state. In the case at bar, the respondent's past operations, however, have been so successful that there can exist no doubt but that accrued depreciation has been met and paid back to the investors by the consumers.

"In the case at bar, the depreciation fund is

represented and reflected either by past reinvestment in additions and betterments to the property or in the surplus fund, or in both."

The commission believes that the situation must be faced squarely that, in a broad sense, property does depreciate in value with age, with use, with changes in the art (obsolescence), and with increases in sendout (inadequacy).

"Disregard of the underlying principles of depreciation has placed many a public utility (and other corporations) in the hands of receivers. Progressive utilities recognize that it is fundamental to corporate existence to set aside adequate depreciation reserves. It is to be pointed out that in general, utilities fare much better by an acceptance of some consistent theory of depreciation than they would if depreciation is to be rejected.

"In view of all facts in this case, the commission finds that it is but reasonable, proper, and equitable to make deductions from cost-new to cover accrued depreciation, both physical and functional, and, that it is proper to treat depreciation consistently in all its features."

STRAIGHT LINE METHOD.

"In fixing upon a reasonable and an equitable annual depreciation to cover future operating conditions, this commission, in general, leans toward a simple straight line method that provides for the setting aside of equal yearly installments which ultimately accumulate into a depreciation (or renewal, or surplus) fund."

DEPRECIATION FUNDS

"The accrued fund so accumulated should be drawn upon only for renewals and replacements of existing unamortized property, and should remain intact in an individual and separate account (except for such withdrawals as are made necessary to reimburse the investors for future depreciation). The fund should be subject to an annual audit by this commission's accountants, and should receive full credit for all interest which it may earn. With the consent and approval of the regulatory body, coupled with proper and judicious utility management, a large portion of the accumulated depreciation-reserve either could be invested safely in readily marketable bonds or could be re-invested to great advantage in extensions and betterments of existing property."

The commission makes an annual allowance in this case equivalent to 1.89 per cent per annum

of the value of the property or 6.5 cents per thousand feet of gas sold.

REFUSAL OF SERVICE

Chace v. Citizens' Water Company, Complaint Alleging Denial of Service Because of Unpaid Water Rents Incurred by Former Tenant. Decision of the Pennsylvania Public Service Commission, Ordering the Company to Serve the Complainant. December 28, 1915.

The complaint raised the question of the water company's right to refuse water service to a new customer until bills for service to a former tenant are paid. The commission holds that the practice is unjustifiable and the company is ordered to furnish the complainant with service. The commission says:

"There can be no criticism of the act of shutting off a water supply from a delinquent water tenant. In fact, it is legitimate and justifiable tactics; but, where the operation of a rule such as the one before us, in effect, throws the consequences of a tenant's failure to pay the water company's bill upon the landlord and upon succeeding tenants, the consequences are serious indeed.

"As a test for the necessity for a practice of this kind, the tariffs and by-laws or rules of water, gas, electric and telephone companies to the number of more than one hundred of each on file with the commission were examined. It was found that only one-third of the water companies and none of any other kind of utilities contained this rule."

NEW JERSEY

TERMS AND CONDITIONS—*Davidson v. Lakewood Water, Light and Power Company, Complaint As to Discontinuance of Service Due to Complainant's Refusal to comply with Company's Rules. Decision of the New Jersey Board of Public Utility Commissioners, Upholding the Company's Rules and Practice. December 18, 1914.*

The company had shut off the supply of water to complainant's premises because he would not conform to certain rules and regulations laid down by the Company. On request of the Board, service was re-established pending the determination of the matters at issue.

The complainant contended that as the meter was his property the Company had no

right to do anything with the meter, either to repair it or test it, and denied that the company had the right to seal the meter. The Board says:

"There should be no question as to the right and necessity for the company to seal all meters, whether owned by the customer or the company. The ownership of meters is a matter which affects the rate to be charged and does not in the opinion of the Board affect the right and duty of the company to sell the meter and to test and inspect same from time to time."

The Board also holds that it is the company's duty and right to use the stop cock at the curb to cut off a customer when its rules require it or when service is to be discontinued for any reason, even though the service connections including the stop cock have been furnished by the customer.

"Here again the ownership of the service connection is a matter which affects the rate to be charged for service, and in no wise affects the company's right and duty to utilize when necessary the above mentioned curb stop for the purpose of shutting off the water to a customer."

PENNSYLVANIA

TERMS AND CONDITIONS—Butts v. Sinking Spring Water Company, Complaint As to Required Payment of Bills of Former Tenant Before Service Is Furnished. Decision of the Pennsylvania Public Service Commission, Holding That Such a Requirement Was Not Authorized in Company's Rules and Ordering Refund. December 16, 1915.

The petitioner purchased certain greenhouses and applied to the respondent water company for water service. The respondent refused to turn on the water until all the bills for service left unpaid by the former owner were paid in full. The petitioner paid the bills in question under protest, and brought the complaint before the Commission alleging that the company's requirement was unwarranted and illegal. The Commission finds that the rules of the respondent could not be interpreted as warranting any such action on the part of the company and the company is directed to return the money so exacted from the petitioner.

ROCKWELL CITY SETS RECORD

During the past few years Rockwell City has been turned from a town into a most progressive city. Mayor E. C. Stevenson, when about to retire, made a full report to the council part of which is here published.

In addition to my financial report filed herein, I wish to remind you of some of the various improvements made and completed by you during the last year of your administration, viz: The paving of four and one-half

miles of streets.....	\$140,359.55
Extension of water mains and water works improvement.....	15,000.00
Storm sewer (Drain No. 195)....	14,500.00
Electrolliers.....	3,200.00
Old electric light building purchased	500.00
One mile of gravel road constructed	2,500.00
Street sweeper and wagon bought.	500.00
Fire whistle bought.....	175.00
Drinking fountains installed.....	172.70
Sidewalk approaches constructed..	1,456.17
	<hr/>
	\$178,363.42

and many other minor improvements.

The town has secured free mail delivery service, and has secured the location of the state reformatory for women, which will be built this summer.

You have exchanged the dump grounds for larger and better grounds, thereby removing an unsightly spot from the highway, as well as greatly bettering the sanitary conditions.

Our sanitary sewer is being greatly enlarged and extended and provisions are being made for a disposal plant in connection therewith.

Over seventy-five per cent of our people own their own homes.

We have been free from epidemics, fires and pestilence.

You have bettered our sanitary conditions, added to our fire protection, and improved the morals of our people.

You have put Rockwell City on the map, and have made it the most desirable town in Iowa to live in. You have put the "Rock" in Rockwell City.

You found it a town of mud, you left it a city of pavements—our slogan is, "We are out of the mud help us grow."

The reward for your faithful service will be Rockwell City's prosperity, her growth and her public improvements, and I wish to congratulate you on your good work and thank you for your faithful service, and in turning over the business of the town to the new council, our heart's desire and prayer is that the new council may achieve higher and greater successes than you have achieved.

Rockwell City needs more business houses, more residences and more industries. We need a town hall to house our fire department, and street service, as well as a permanent home for the town government.

We need more and better equipped playgrounds for the children of Rockwell City.

We need a better and cleaner town both morally and physically. E. C. Stevenson, Mayor.

WARNINGS ARE LARGELY DIS- REGARDED

It is generally asserted that the first duty of those who furnish water to the public is to see to it that the supply is at all times pure. If, for any cause, the supply becomes contaminated, it is the custom to go through the motions of notifying the consumers to this effect. Sometimes warnings to boil the water are published in the newspapers. Frequently such published notices are supplemented with bills posted in conspicuous places and, occasionally, with hand-bill announcements of the fact, which are delivered directly to the consumer. That such announcements are better than nothing at all is admitted but it must not be supposed that they are regarded seriously by all who use the water supply. In fact such warnings are disregarded by many people—perhaps by the majority.

In one case where a water supply suddenly became contaminated, due to cataclysmic circumstances, hand-bills setting forth that fact, and warning people to boil their drinking water, were delivered to all consumers. After the supply was brought back to its normal state of purity a canvass was made to see how many people had boiled their drinking water. It was found that 67 per cent of the water consumers had utterly disregarded the warning! This was in a large, enlightened, and progressive community.

Another interesting case occurred in an

Illinois Chautauqua encampment last summer. The water supply, derived from three shallow, dug wells, became contaminated. This fact was known and signs were posted at various points on the grounds warning people not to drink the water. The warning was disregarded—many people asserted that they wanted a drink and were willing to take a chance on the purity of the water. A typhoid epidemic leading to nearly 200 cases and 13 deaths was the result.

People, generally, will drink a water that looks all right, no matter what the evidence of contamination. A thirsty man will have his drink, if he can get it, though he die from it. This emphasizes anew the imperative duty of providing a pure supply. The evils arising from an impure supply cannot be corrected by notices to boil the water.—Engineering and Contracting.

INDEBTEDNESS OF CITY—AMOUNT

Lepley v. city of Fort Benton et al.—Const. art. 13, § 6, declares that no city, township, or school district shall become indebted in an amount exceeding 3 per cent of the value of its taxable property, but that municipalities may, on vote of the taxpayers, incur increased indebtedness when necessary to construct a sewer system or procure a water supply. Rev. Codes, § 3259, subd. 64, which enacts the constitutional provision in statutory form, authorizes the incurring of indebtedness not exceeding 10 per cent, above the 3 per cent limit for the construction of a sewer or water system. A municipality, which was not then indebted up to the 3 per cent limit being desirous of constructing a sewer system, was authorized by a vote of the electors to incur an indebtedness beyond the 3 per cent limit. Held, that the constitution and statutes only authorize a city to incur indebtedness beyond the 3 per cent limit when such indebtedness is necessary for the construction of a sewer or waterworks system: therefore, as the city was not at the time of the election, indebted up to the 3 per cent limit, only the amount of indebtedness for the construction of the sewer system which exceeded the 3 per cent limit was authorized, and the city could not, before issuing bonds for such system, incur other indebtedness up to the 3 per cent limit.—Supreme Court of Montana, 154 P. R., 710.

Report on Sliding Scale System

Boston Consolidated Gas Company

Report of the Board of Gas and Electric Light

Commissioners, Relative to the Price of Gas and rate of Dividends as Applied to the Boston Consolidated Gas Company and Known as the "London Sliding Scale". March, 1916. Pamphlet 57 pages.

At the legislative session of 1915, a resolution was passed providing for an investigation by the Board of Gas and Electric Light Commissioners of the operations and effect of the "London Sliding Scale" system of adjusting the price of gas and the rate of dividends, as applied to the Boston Consolidated Gas Company.

The sliding scale system was adopted as a means of promoting the reduction of gas rates in Boston by act of 1906 and, while its duration was not limited in the act, it seems to have been the understanding of many interested in its adoption that it was an experiment to be tried for a period of ten years, and continued if it then appeared to have worked satisfactorily. During the period that the act has been in force there has been no public interference with its operation, and the company has been free to pursue such business policies as it deemed best. At the direction of the legislature, the Board conducted its investigation and public hearings were held to determine the conditions under which the system had been tried and its effect upon the public interest, and the advisability of continuing or extending the system.

The Board finds that the results under the "sliding scale act" have not been entirely satisfactory.

The report of the Board reviews the history of the company, the struggles of the competing companies prior to consolidation, and gives an account of the present relations of the Consolidated Companies with other companies, particularly the Massachusetts Gas Companies and the New England Coal and Coke Company.

COMPETITION

The report has this to say of the conditions under unrestricted competition and the conditions

subsequent to consolidation:

"During the long and bitter struggle for the control of the gas business of Boston prior to the consolidation, the relations of the companies to the public were exceedingly unsatisfactory. The efforts of the managers seem to have been devoted largely to exploiting rather than serving the public, and little thought was given to improving and developing the business.

A complete change of attitude, however, was exhibited by the new management of the Consolidated company and has been maintained throughout the intervening period. By courteous and considerate treatment of its customers and their difficulties and grievances it has converted a hostile into a friendly public.

"An energetic effort has also been made to increase the company's business. Its success has been due in large measure to the enterprise of the management although no doubt aided by the decreases in the price of gas and the removal of the old sources of friction. The result has been a substantial increase in its total output in the number of its customers and in the amount of gas sold per mile of main."

SLIDING SCALE OF RATES AND DIVIDENDS

The essential feature of the "sliding scale" act was the establishment of a standard price of 90 cents and a standard dividend of 7 per cent, with the provision that for every decrease of 1 cent in price the company might increase its dividend during the following year one-fifth of 1 per cent. After its adoption on May 26, 1906, the company reduced its price on June 30, 1906, from 90 to 85 cents, and on July 1, 1907, to 80 cents—the price ever since in force.

This system makes reductions in price to the customer depend solely upon the desire of the stockholders for greater dividends. It rests upon the belief that such desire will prove an effective stimulant to such increased skill and efficiency in management as will make lower prices probable. It is pointed out that for its proper operation there must be no means of

distributing profits save through dividends and that it is equally important that the stockholders shall have no interest in the payment of dividends not warranted by a sound business policy.

To summarize briefly the situation in the case of the Boston Consolidated Gas Company, the Board finds that the company's association with the New England Gas and Coke Company under the common ownership of the Massachusetts Gas Companies affords an opportunity for obtaining profits on the gas sold to the public, not expressed in the dividends of the Consolidated company. The Board also states that "the actual provision for depreciation has been trifling compared with the size of the property and the magnitude of the operations." Moreover, aside from the question of depreciation, the Board finds it evident that "the dividends paid were not fully earned from the sale of gas, and could not have been paid without resort to the proceeds of the sale of property" (real estate and property unnecessary after consolidation).

The Board concludes that under such conditions the "sliding scale" has not had a fair trial.

"In view of these considerations, the Board is of the opinion and recommends that the act shall be repealed unless the Boston company is entirely disassociated from the Massachusetts Gas Companies, and its stock distributed directly among investors. If that is done, a few years of further experience should develop conclusively the relative advantages or disadvantages of this system of public regulation.

"Moreover, its investigation has not discovered any such positive advantages in the 'sliding scale' system of regulation over that still prevailing with respect to the other companies as to justify its substitution. The Board, therefore, recommends that it is inexpedient to extend the 'sliding scale' to the other gas companies of the Commonwealth."

The report says:

"No fair-minded person is disposed to question the theoretical soundness of the principle claimed for the 'sliding scale' as applicable to all public service corporations, namely, that decreased costs and increased profits due to skillful and wise management shall be shared in lower prices to the public and larger dividends to the stockholders. This has been, in fact, a policy

recognized and pursued by the Board for many years in dealing with questions of rates. But its conversion from a working theory into a fixed rule, expressed in any given case in the interrelation of a standard dividend with a standard price, may be another matter. Of necessity such a system must project indefinitely upon the future the known conditions at the time of its adoption and its operation must be left almost wholly to the initiative of the company. Where the choice is open, it is a serious question whether it offers in the long run any substantial advantage to the public, or even to the companies over the system of regulation so long pursued in this Commonwealth. Its vogue in England is due, in considerable measure at least, to the fact that direct interference with gas prices is virtually unknown there, and that it is the alternative to the maximum dividend method of control under which a company is permitted to earn the maximum dividend and no more. But it is worthy of notice that under the present desperate national stress the 'sliding scale' companies appear to be under distinctly adverse conditions as compared with the maximum dividend companies. And whether or not in the light of this experience maximum dividend companies are as likely to go under the 'sliding scale' hereafter may be open to doubt."—Rate Research

PAVING BIDS WANTED

Sealed proposals will be received by the city of Grinnell, Iowa, up to the hour of seven o'clock p. m., May 10, 1916, for 17,000 feet of curb and gutter, and 24,000 square yards of bitulithic, brick or asphalt paving. Certified check required on Grinnell bank for \$2,000 payable to Scott MacEachron, treasurer. Plans and specifications for private use may be purchased from the engineer for \$5.00 to cover cost of same. A. C. HARRIMAN, City Clerk.
Iowa Engineering Co., Clinton, Iowa, Engineers

RALSTON, IA.—The election here resulted in favor of issuing water works bonds to the amount of \$6,500.

WINTERSET, IA.—The election here resulted by a vote of 672 to 73 in favor of issuing water works system bonds to the amount of \$16,000.

HOME RULE FOR MUNICIPALITIES NOT IN CONFLICT WITH STATE CONTROL OF POLICE MATTERS

The League of Iowa Municipalities will ask the next legislature to pass a bill giving the cities and towns control over strictly local affairs. This is the bill providing for local self government or as it is commonly called the Home Rule bill.

The constitutions of sixteen states have been amended so as to grant local self government to the municipalities. In each of these states the members of the legislature refused to grant the powers asked and the cities and towns were compelled to force the amendment into the constitutions over the legislature opposition. The municipal officials of Iowa believe that if the people of the state and the members of the legislature understood just what they are asking, that the legislature will pass a bill granting a much larger degree of local self government.

Legislative home rule is preferred over constitutional home rule because in the case of a legislative enactment, changes can be made to meet changing conditions, and the legislature can at any time take away the rights given if the officials of the municipalities misuse them.

The present rule of law is, that municipalities have only those powers that are specially conferred by the legislature. A municipality cannot do the most simple act unless the legislature has passed a law giving the municipality that power. Many of the smaller cities and towns desire to pay part of the expense of maintaining a rest room, but the legislature has never said that they could do this, and although it is a matter that effects only the town interested, the council cannot spend a cent for this purpose.

Hundred of similar limitations might be given. Every city and town has at some time desired to do some simple local duty, but on investigation have found that specific power has never been granted and therefore something that all the people desired, could not be done. The cities and towns of Iowa desire a law giving them power to exercise "all powers of local self-government".

Some of the members of the last legislature seemed to fear that such a law would give the cities and towns control over the police powers and that the bill supported by the cities and towns would abrogate the state's power in police matters

and that each municipality would adopt its own policy in regard to the enforcement of the laws in regard to liquor, gambling and other criminal matters. Nothing could have been farther from the truth. The fear was utterly unfounded. The municipalities do not expect or desire to abrogate the criminal laws. In fact it is impossible for the state to divest itself of its police powers, and the courts have uniformly held that even when the municipalities are granted home rule by constitutional provisions that this does not take from the legislature its absolute control over police affairs and administration.

When it is thoroughly understood that home rule has nothing whatever to do with the general criminal statutes of the state, most of the opposition to granting the municipalities more power will vanish. Local self-government is fundamental in this country and the sooner the state of Iowa grants the municipalities more self-government the sooner will conditions improve in the cities and towns.

FALSE IMPRISONMENT OF PERSON THOUGHT TO BE INSANE

In the case of *Witte v. Haben*, a Minnesota Supreme Court decision, reported in 154 Northwestern Reporter, 662, the liability of an officer for arresting a person without warrant, where no evidence is shown of a suspicion that he had committed a felony, is raised. Defendant, a police officer, upon information that plaintiff was acting queerly, and showed signs of insanity, arrested him and held him until the next day, when, upon examination, he was released. Plaintiff brought an action for false imprisonment and secured a verdict, but, upon motion being granted for a new trial, he appeals:

In part, Judge Holt said: "The record is barren of any testimony tending to show that plaintiff had ever attempted any crime, or had by word or deed disturbed any person, or had at any time been a menace to himself or others. On the day he was arrested he walked quietly to the depot and boarded the train under the observation of the defendant, and the only peculiarity he noticed was that the plaintiff looked around more than men ordinarily do. Under this situation, no defense or justification for the arrest could exist. It was unlawful, and entitled plaintiff to damages. The court in the charge given took

the right view. And an attentive examination of the evidence fails to make out justification for the arrest, even were the rule such as the learned trial court now deems it to be. But, as indicated under our statute, and, we believe, under the common law, the rule is that, in an action against an officer for false arrest and imprisonment, the officer cannot justify upon the ground that he made the arrest upon reliable information that the person arrested was insane; that he fully believed this to be a fact, and, as a reasonably prudent officer, was justified in so believing."

LEAKAGE IN SEWERS

Chas. P. Chase the Clinton engineer in a paper before the Iowa Engineering Society takes up the question of permissible leakage in sanitary sewer systems.

Mr. Chase believes that 5,000 gallon per mile, suggested by several engineers as a minimum, is almost impossible of attainment, except under the most favorable conditions. As an example he noted a 10-mile system built under adverse conditions with the pipe line all below the water line. After a fairly dry season the whole system leaked 40,000 gal., or 4,000 gal. per mile. In this work practically every joint was considered perfect when made, as the supervision was very thorough and strict, and every joint was watched. In the spring of the following year, however, the leakage ran up to about 200,000 gal. for a period of a week, and this has been about the variation in this system ever since it was constructed. It has been in use twenty years, has never had a stoppage and is regarded by the corporation as a perfect piece of work, but the leakage is there.

"From my own observations," said Mr. Chase, "I would not be willing to attempt to guarantee a leakage of less than 10,000 gal. per mile in ordinary soils and 20,000 gal. in water-bearing sand or quicksand, 20,000 gal. per mile being about the basis that I have usually figured on."

WHAT IS THE DIFFERENCE?

The smallness and bitterness and prejudice of some person's minds are evidenced very often by the character of their vocabulary when discussing certain things. There are some people of petty narrowness who will never use a pleasant

adjective or a dignified noun when discussing public men or public affairs. If allusion is made to some public man whom they don't like or whose views happen to be different from their own, they speak of the man as "one of the well known politicians," using the phrase with rather an ugly accent or suggestion. If they allude to some honest man seeking a position in the public service, they speak of him as a "job hunter", using the words with derogatory inference.

Why is it that a man seeking work at the city hall is a "job hunter", while a man looking for a position in a newspaper office or in a bank is "searching for employment"? Both terms means the same thing. But why is the nasty fling hurled at the man who desires to do honest work for the public while the dignified term is applied almost exclusively to the man entering private business? There is no difference.—Baltimore Municipal Record

THE AMERICAN NEWSPAPER ANNUAL AND DIRECTORY

1290 pages, royal octavo, cloth, \$5.00 net, carriage extra. Published by N. W. Ayer & Son, Advertising Agents, Philadelphia.

The forty-eighth year of continuous publication brings us the 1916 edition of this comprehensive review of the American newspaper and magazine field. The book is full of valuable information for all who have dealings with periodical publications of every type. The facts and figures descriptive of each of the 24,589 publications listed are presented in a most complete, yet condensed and get-at-able form.

The Annual and Directory is now the only publication of its kind which is compiled from information gathered with such thoroughness each year from original sources. Mr. George P. Rowell was the first to compile such a work, and for many years he issued the American Newspaper Directory. Following his death, the Directory, with its records, copyrights and property, was sold to N. W. Ayer & Son, who combined it with their well-known Annual.

There is no possible excuse for a municipal water works to furnish impure water. It is better to contract a debt and secure an abundant supply of pure water than to take any chances with a questionable supply.



The Kingdom of the Subscriber

In the development of the telephone system, the subscriber is the dominant factor. His ever-growing requirements inspire invention, lead to endless scientific research, and make necessary vast improvements and extensions.

Neither brains nor money are spared to build up the telephone plant, to amplify the subscriber's power to the limit.

In the Bell System you have the most complete mechanism in the world for communication. It is animated by the broadest spirit of service, and you dominate and control it in the double capacity of the caller and the called. The telephone cannot think and talk for you, but it carries your thought where you will. It is yours to use.

Without the co-operation of the subscriber, all that has been done to perfect the system is useless and proper service cannot be given. For example, even though tens of millions were spent to build the Transcontinental Line, it is silent if the man at the other end fails to answer.

The telephone is essentially democratic; it carries the voice of the child and the grown-up with equal speed and directness. And because each subscriber is a dominant factor in the Bell System, Bell Service is the most democratic that could be provided for the American people.

It is not only the implement of the individual, but it fulfills the needs of all the people.

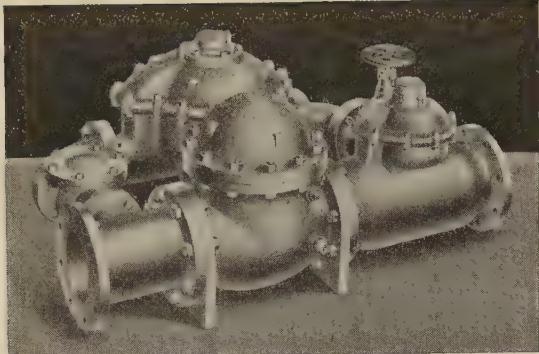
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"ALL KINDS OF METERS FOR ALL KINDS OF SERVICES"

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Many manufacturers are going into
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but we are so busy making

**Keystone and Eureka
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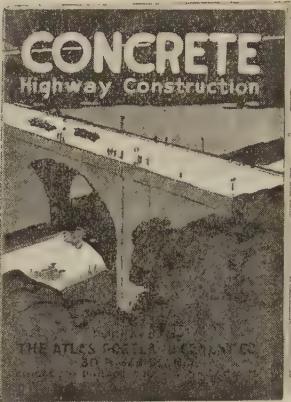
that we have not had the time, or
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Before expiration of your present lamp contract please let us submit you our proposition either direct or through our nearest agent.

Columbia customers once established remain Columbia customers. Can you guess why?

Our Street Lighting Service Department specializes on Municipal Lighting problems, and will furnish, without obligation or expense, any information regarding modern and scientific illumination of streets.

The Columbia Lamp Division

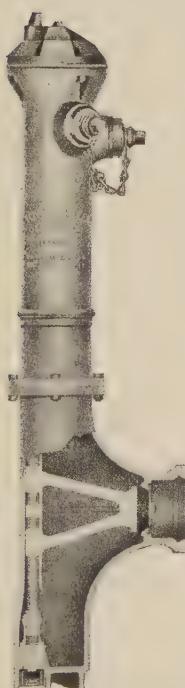
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Each member of the American, Iowa, Nebraska, Kansas or Minnesota League, may run one advertisement each month free of cost.

WANTED—The city of Cresco is in the market for a motor drawn chemical engine of 80 or 100 gallon capacity. Correspondence solicited. Fred J. Hamilton, Fire Chief, Cresco, Iowa.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Scea City, Iowa.

FOR SALE—Blue printing machine, 42 inch, with automatic washer and drier. Please make. O. Griner, 214 East Tenth St. Kansas City, Mo.

FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk.

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—Heller & Brightly transit, full circle, stadia cross-hair, also level, same make, like new, at a bargain. Other instruments in stock, new and second hand. Transit and level repairing. O. Griner, 214 E. Tenth street, Kansas City, Missonri.

FOR SALE—The incorporated town of Milford has for sale 1 Davis carbide feed acetylene gas plant in perfect condition. Model B generator 75 pound capacity. 23 burners with fixtures. 150 feet $\frac{1}{2}$ inch pipe. Will sell at a sacrifice. For information write J. E. Shelledy Clerk, Milford, Iowa.

FOR SALE—Six gasoline street lamps in good working order, will sell cheap as have installed electricity. Write for information to J. J. Hamilton, Town Clerk, Epworth, Iowa.

FOR SALE—“The city of Oskaloosa, Iowa has for sale one Studebaker Pneumatic street flusher, one team of gray horses, two sets of harness, one patrol wagon, one fire wagon; all in good condition. The flusher has not been used very much. Our reason for selling is that we are motorizing the entire police and fire department. Make us an offer.” T. H. Carlin, City Clerk

FOR SALE—One 8 horse power R & V engine. One air compressor. One pressure tank 24x5 $\frac{1}{2}$ feet. 54 lamp posts. 20 Sprague meters. 40 Tin meters. C. F. Hoover, Clerk, Brighton, Iowa.

FOR SALE—The city of Ames, Iowa has for sale one 75 kw 1100 volt 3 phase 60 cycle Westinghouse generator and exciter direct connected to 14x14 300 R. P. M. Ideal Steam Engine now connected to steam line and in operating condition. Address Chas. E. Warsaw, Manager.

FOR SALE—Having completed arrangements with a neighboring city to furnish our electric current we offer the following at a bargain. One 25 horse power special electric Fairbanks Morse Engine. One 20 K. W. Peerless Generator. 60 Amp. hour battery and switch board instruments. Everything in good condition. Address Town Clerk, Hudson, Iowa.

WANTED—Hand hose cart that will carry 500 feet of hose. Parties who have such a cart for sale give full particulars on the cart and the price wanted, address Henry Graaff, City Clerk, Bellevue, Iowa.

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FOR SALE—Dean Steam Duplex Fire Pump 14 inch steam cylinder, 8 $\frac{1}{2}$ inch water cylinders, in good condition, price \$400.00. E. C. Smith, Clerk, Town of Bonaparte.

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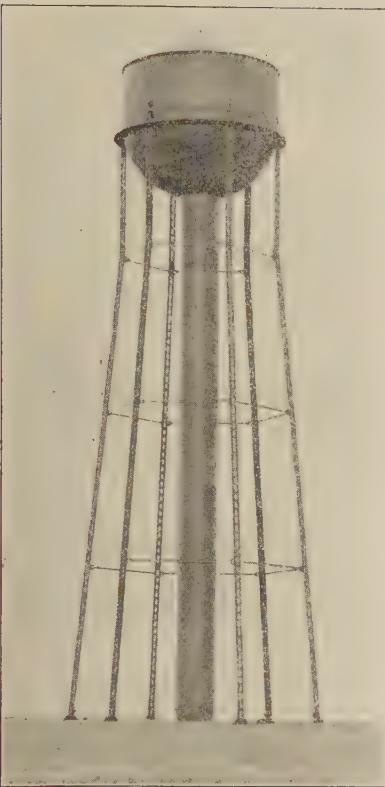
FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Deleval Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.

FOR SALE—Two Cook Deep well pumps with 400 feet casing and 400 feet of wood rod. 1 No. 300 18 or 24 inch stroke 4 inch cylinder. 1 No. 159 12 or 18 inch stroke 3 $\frac{1}{2}$ inch cylinder. Line shaft and pulleys. All in fine condition. Address town of Milford, Iowa. J. E. Shelledy, Clerk.

FOR SALE—The city of Fort Dodge is contemplating the equipping of its fire department with motor apparatus. On this account we have for sale; one horse drawn hook and ladder wagon with extension ladders; two combination chemical and hose wagons, capacity of 1,000 feet of 2 $\frac{1}{2}$ inch hose; one police patrol wagon; two exceptionally good teams well broke for fire or police service. Will sell any part or all of this equipment. If interested write W. L. Tang, City Clerk, Fort Dodge, Iowa.

FOR SALE—Two Duplex Knowle pumps, one 10 inch by 12 inch double acting; one 6 inch by 12 inch double acting; both geared 4 to 1. Will pump against 100 pound head. For further particulars address W. S. Beattie, City Engineer, Charles City, Iowa.

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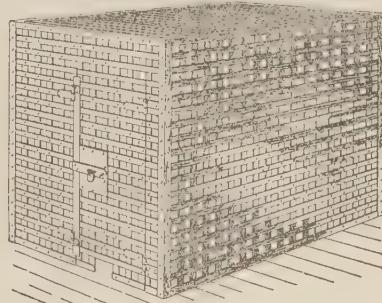
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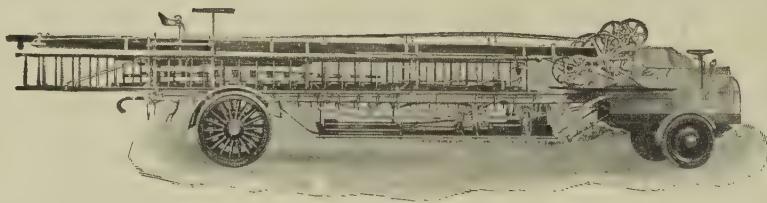
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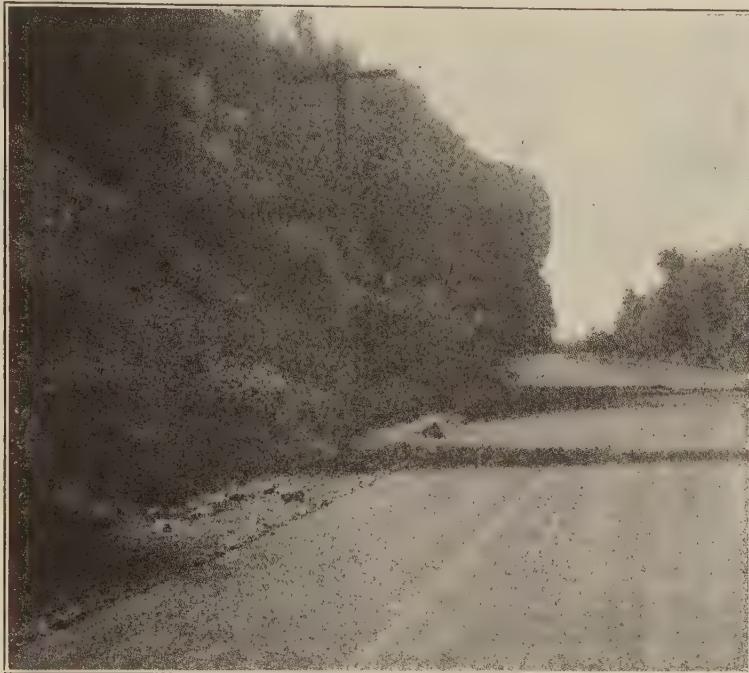


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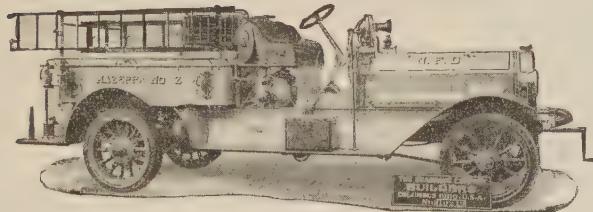
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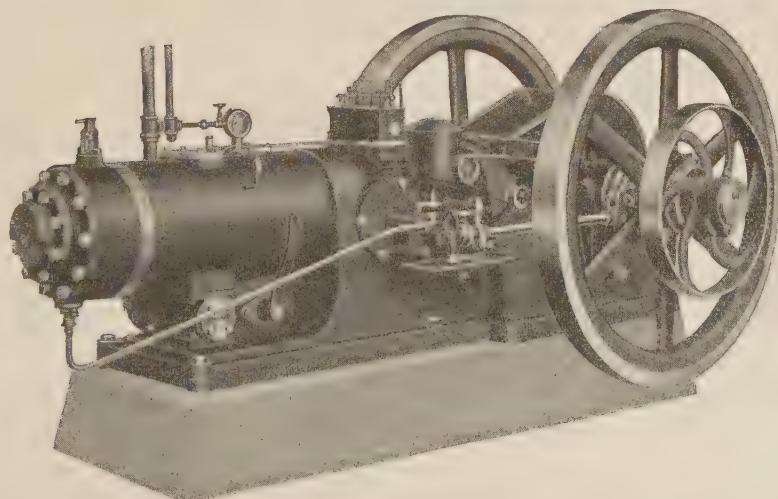
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American Municipalities

June, 1916

Vol. 31, No. 3

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

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President, Dr. J. F. Cole, Mayor, Oelwein
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COMMENT

This is the last call to find out how the candidates for nomination as members of the legislature stand on questions relating to the cities and towns.

Do not make the mistake of supporting a candidate who will be the friend of the corporations rather than a friend of the people.

Unfortunately the interests of the corporations and of the people very often conflict and when they do conflict it is essential that the members of the legislature vote in favor of the people.

Find out how the candidates stand and support those who are not controlled by corporation influences.

The corporations are constantly looking after legislative matters and it is the duty of municipal officials to look after the interests of the people who elect them to office.

The property owner who pays for a street improvement either a sewer or pavement has the right to have a first class job in every particular.

If the work is good the chances are that there will be little or no objection but on the contrary if the work is poor the people who pay the bills will object and they have a right to object.

Secure a good inspector and then be sure that the inspector is not working for the contractor as well as for the city.

The smaller cities are now putting down pavement and there is no reason why every town should not have at least its main street paved.

As soon as water mains and sewers are laid steps should be taken to further improve the street by paving.

The city of Ft. Dodge is going to put in a hydro-electric plant to develop about seven hundred horse power.

This is the true conservation policy as it is better to conserve one water power to the public than to talk about conserving a thousand.

Mayor Ford and the commissioners of Ft. Dodge are to be congratulated on their success in securing this fine power plant.

A few of the members of the Iowa League have not paid their dues for the current year and the council should allow the bill for the same at its first meeting.

FOR LEUTENANT GOVERNOR

Municipal officials in Iowa should be interested in the candidacy of former James R. Hanna of Des Moines, for the republican nomination as Lieutenant Governor.

If Mr. Hanna should be nominated and elected he will be in a position to be of great service to the cities and towns. Municipal questions are becoming more and more important and all interested in the best development of municipal government should do their share to nominate a man so well qualified to look after the municipal interests of the state.

The voters take comparatively little interest in the Lieutenant Governorship and this makes it all the more necessary to call the voters attention to this office.

If you will see five or ten of your friends and prevail upon them to vote and work for Mr. Hanna's nomination the chances are that this work will result in his success.

Give a little time to this in the next few days and see if we cannot have a Lieutenant Governor who will take a friendly and intelligent interest in the cities and towns.

ELIMINATE THE FLY

By Commissioner of Health of Boston

House flies are filthy and dangerous to human life. Born in filth, reared in filth, they feed upon filth and carry filth with them, not only causing annoyance, but leaving a trail of disease and death behind them. They are known to be carriers of disease germs. Flies may give you typhoid fever, consumption, diarrhea, dysentery and other diseases. They come to your kitchens and dining rooms loaded with filth and germs from the garbage cans, from the manure pile, from the cuspidor, from decaying animal and vegetable matter, and from the sick room. They alight on your food, in your drink, on the lips of your sleeping child, or perhaps on some open wound.

Sickness and death are traced directly to the agency of the fly. It lies within your power to guard your family and yourself from this known carrier of infection. Will you not protect yourself and assist in fighting this menace to health?

The fly cannot develop from the egg, which must have undisturbed filth to grow in, in less than eight days; therefore, if all filth is cleaned

up or destroyed at least once a week, the eggs will not have time to develop and there will be no flies.

Keep garbage receptacles tightly covered so that flies cannot reach the garbage. See that no refuse is allowed to remain on the ground. Use chloride of lime freely in receptacles and about places where they are kept. Keep manure in tightly covered metallic barrels, or in vehicles approved by the health department. Use chloride of lime freely, and remove manure every forty-eight hours. Pour kerosene into drains, keep drainage systems in good order and repair all leaks at once. Keep the premises free from accumulations of rubbish of all kinds.

The place to "swat" the fly is where he breeds, not where he basks.—By Commissioner of Health of Boston.

WHY SPOIL GOOD CEMENT WITH POOR AGGREGATE

Good concrete, like the proverbial chain, is no stronger than its weakest part. Every material entering its composition should be the very best available.

Too often the importance of good aggregate is overlooked. The product of the local bank or river has been used with a confidence often misplaced. Bank deposits of sand are seldom entirely clean and if they are clean the methods used in taking out material often result in a considerable admixture of top soil. Bank gravel is seldom found evenly mixed. It is usually in more or less distinct layers of varying size. It is then obvious that to secure uniform and standard concrete the bank material must be screened and scientifically reproportioned.—Concrete.

LIKE IOWA'S STATE OFFICIALS

"Senator, I wish you would give me a job as your private secretary". "Oh, my boy", responded the oily senator, "don't get mixed up with the government service. Nothing to it. Ruins a young man. Besides, I've promised that position to my son".—Louisville Courier-Journal

David G. Fisher & Company have been employed to prepare plans and specifications for a sanitary sewer system, for Marengo, Iowa.

Municipal Efficiency

By Hon. A. C. Mueller of Davenport

At the time of the last national census approximately fifty-one (51) per cent of the population of Iowa, an agricultural state, lived in incorporated cities and towns.

This may seem at first surprising, but the figures further show, that although there was a decline in the total population of the state, the cities and towns showed an increase.

An examination of the statistics relating to municipalities in other states discloses the fact that the population of the states of this union is not increasing as rapidly as that of the cities and towns within their borders.

The drift is toward the city and town. The agricultural section contributes annually its share of the increase in urban population and the majority of those who have in the last decade come to this country from foreign lands show little inclination to leave our cities and towns.

With increased population come many vexatious problems. Those relating to public health are made more complicated by reason of congestion, while those pertaining to police administration are made more difficult of solution on account of the influx in the last ten years of people whose customs and mode of life are at variance with ours, and who show no desire or inclination to assimilate.

STANDARDS HIGH NOW

At the same time our standards are becoming higher, our demands greater. Municipal service which but ten years ago was satisfactory and ample, no more suffices. The scope of municipal endeavor constantly widens. Just as the individual is no longer satisfied with the conveniences of a decade ago so also is he no longer content with a municipal program which is not progressive.

Municipal improvements unthought of some years ago are being carried out by municipalities large and small.

Questions relating to paving, sewers, lighting, water, fire protection, parks, play grounds,

sanitation and police protection confront us at every turn.

We are charged with the duty of making our respective communities clean and wholesome, we must be progressive and at the same time are expected to render this satisfactory municipal service at a minimum cost.

Just as in all other walks of life so also in the field of municipal endeavor is there a growing demand for efficiency.

The general public is taking a more active interest in municipal affairs and our actions are being subjected to closer scrutiny.

Results are being demanded.

The realization of the shortcomings of our municipal systems has resulted in the introduction of new forms of government applicable to cities and towns, all of them, among other things, aiming to eliminate party politics.

HIGHER TYPE OF OFFICERS

But it has also created a demand for a higher type of municipal officer, for the experience of recent years has proven that after all the success of municipal government depends as much upon the men in office as upon its form.

We find that the tenure of office of the easy going, pussy footed politician, with his predilection for sidestepping responsibility, the man whose principal asset is the well known fact that he is a good fellow, is in many communities short lived. The public expects service. A municipal officer should have courtesy and tact, but the demand is for men who besides possessing these qualities, do their duty fearlessly, impartially and conscientiously, the men who, to use the street expression, deliver the goods. In this day and age we are after results.

The day of the municipal expert has arrived, a man who by training, equipment and temperament is qualified to grapple with the complicated problems of the day in an efficient and business-like way.

In this connection there may also be noted

that the public is beginning to take a different attitude in reference to the expenditures of public money.

DIFFERENT VIEWS OF TAXES

It was not very long ago that the tax rate was accepted universally as the proper standard by which the success or failure of municipal administration could be judged.

Now the public begins to realize that an arbitrary comparison of tax rates, without taking into consideration other circumstances, means nothing at all, just as the arbitrary comparison of public service rates prevailing in different communities, is idle.

It is not necessarily a commendable record to maintain a low tax rate if nothing in the way of municipal improvement is accomplished. On the other hand a progressive municipal program of necessity calls for expenditure of public funds. The test is not what is the tax rate, but what is the service rendered and are the public moneys being properly expended and to the best advantage of the community. In other words, is the municipal government efficient?

Parsimony and efficiency are not synonymous. The public as a whole realizes that if it receives municipal improvements and betterments, it must expect to pay for the same but in return it rightfully looks for results, the full return in value for money expended.

DUTY OF CITIZENS

One fact, however, must not be overlooked and that is that in order to attain the highest standard of efficiency the public itself must do its share. Citizenship has its privileges, it also has its responsibilities.

The events of the last year in Europe show beyond question that the success of the German Empire thus far can be traced directly to the fact that respect for authority there is almost inbred. The right of the state to demand service is conceded, and no one questions the priority of that right. It is this which begets results.

Under our form of government this condition will probably never exist, but it should be conceded that we are in this country deficient in what might be termed a civic conscience.

We need more of a community spirit, a willingness to serve. We must be more ready to subordinate our own interests to those of the community. That which we have, we after all

enjoy by reason of the protection organized society gives to us, and it in turn, as a matter of right, demands that it be recognized.

We should be patriotic in times of peace as well as when our nation's integrity is at stake, and it seems to me that there is no better way to manifest this patriotism, this love of country, than by taking an active interest in its affairs and that of its municipalities.

The mere casting of an occasional ballot or the payment of taxes is not payment in full of our obligations to the municipalities.

CO-OPERATE WITH PUBLIC

It should be the aim of municipal officers to enlist the co-operation of not only all organizations of a public nature in the community, but of the private citizen as well and of the press. Take the public into your confidence. It will be apt to awaken interest in civic affairs.

The press can, if it will, be of great service, and is generally ready to meet us more than half way. Unfortunately the papers in this state as a rule cannot afford to carry a large enough staff to make a feature of municipal work, and to conduct a follow up campaign in favor of proposed municipal betterments which are an innovation and which call for the education of the public in order that their importance may be properly appreciated. In matters of this kind municipal officers by supplying data they have collected can oftentimes get valuable space in local papers for discussion of topics which should be of interest to the body politic.

It is a serious mistake to resent the activities of civic organizations. How much better to meet them half way and by courtesy and tact direct their energies into proper channels so that they may work in harmony with the proposed municipal program.

In addition it should be remembered that though we have had a consistent municipal development it has not kept pace with the demands. As a result when there was in the eyes of a fair proportion of the population, a need for certain civic activities which the municipal corporation was not ready to undertake, these organizations have in many instances of their own initiative raised the necessary funds for carrying them out and have managed them until the proper authorities could take them over. As examples in this state may be given public

playgrounds and kindergartens.

Interest the schools in your work and thus get in touch with the citizens of tomorrow. Get the public to realize that it has civic responsibilities and that thoughtless infractions of ordinances and regulations make more difficult the work of their representatives, and increase the cost of municipal administration, in other words, make the government less efficient.

MORE ENFORCEMENT OF LAW

With the public interested in its municipal affairs will come the realization on its part of its obligations to the community, and in turn its more active participation in its affairs.

Our great weakness is in the administration of law. What we need is fewer laws and more enforcement of those now enacted.

In order to obtain the best possible results it is not sufficient that the municipal officers be competent, but there must be also an intelligent co-operation on the part of the public.

As the general public becomes more interested in its municipal affairs and becomes more familiar with its problems and its difficulties there will be more efficient administration of laws, the repeal of many laws that now burden our books and a greater respect for authority, a more ready recognition of the right of the public over and above that of the individual. The results then attained will speak for themselves.

MUNICIPAL HYDRO-ELECTRIC PLANT AT FORT DODGE, IOWA

After being twice defeated during the past four years, a bond issue for the construction of a municipal dam and hydro-electric plant on the Des Moines river was approved on November 8th last by the voters of Fort Dodge, Iowa.

Power is to be generated for water works pumping, street lighting, and, with future plant enlargement, for commercial lighting. And a consideration of importance equal to the power development is the impounding of a lake available for pleasure and recreation purposes. The high bluffs, virgin timber, natural camping grounds, good fishing and short distance from the city, make the location ideal. The lake will be about two and one-half miles long, but will, except in times of extreme flood, remain within the present channel, from 300 feet to 500 feet wide; thus

little expense is incurred in securing flowage rights.

The works consist of a spillway, Tainter gate dam, power house and earth embankment, constructed adjoining one another in the order named.

The spillway section is 230 feet long and averages 18 feet in height above bed limestone, which lies from one to four feet below the gravel bottom. The dam is of the standard ogee section and is designed to withstand a surcharge of seven feet, with an upward pressure on the base decreasing uniformly from actual water depth at the upstream face to zero at the toe.

A series of five 15 feet by 20 feet Tainter gates are required to assist in passing the flood flow. The gates are to be constructed entirely of structural steel and will be raised by an electric hoist operating over a reinforced concrete runway located above high water. The gates and spillway have a combined capacity of 40,000 second feet, estimated to be 30 per cent in excess of any known flood at Fort Dodge.

The power house, 25 feet by 55 feet, in place, is located on the west bank of the river and forms a part of the dam. It is of reinforced concrete throughout, with brick superstructure. Space is provided for two generating units and accessories, also office room and a basement for heating plant, storage, etc.

The generating equipment to be installed at present, consists of a 600 H. P. vertical, reaction type, hydraulic turbine, direct connected to a 400 K. V. A., 60 cycle, 3-phase, 2,300 volt generator. Space is provided for a second unit. A horizontal installation was found impracticable in that the operating floor would be located far below high tail water.

The earth embankment will be 410 feet long and about 4 feet high. A core wall will extend a distance of 75 feet from the power house.

Separate proposals will be received until May 24th, first, for performing all necessary construction work, and second, for furnishing and installing the hydro-electric machinery. The project has been developed under the administration of Mr. John F. Ford, mayor, and Messrs. Collins and Smith commissioners. Burns & McDonnell of Kansas City are designing and consulting engineers.

State Legislation for Municipalities

By D. E. Stuart, Attorney, Council Bluffs

In addressing you on this subject I shall confine myself to observations of a general nature, and shall not attempt to cover the field of specific instances. This subject, of course, is intended to apply to legislation as affecting cities of the various classes and incorporated towns, but I shall use the word "cities" as including cities of both classes and incorporated towns.

RELATION OF CITY AND LEGISLATURE

The city has not the inherent or natural rights enjoyed by the individual. The city is a creature of the legislature, and has no existence or power except such as is given by the legislature. The legislature giveth and the legislature taketh away, blessed (or otherwise, according to circumstances) be the name of the legislature. The city can be nothing and can do nothing unless there is found in the statutes an act of the General Assembly providing the requisite power and authority, and this authority is found either in the general welfare clause contained in Section 680 of the Code, or in some act applying to the particular subject. From this it follows that as the cities can only function as enabled to do so by legislation, they will be helped by legislation that is systematic, logical and broad minded, or they will be hindered by legislation that is chaotic, unreasonable or narrow. Therefore it is vitally necessary that they give careful consideration to this subject and look well to the legislation that is proposed by the General Assembly.

THE PRESENT STATUS OF THE LAWS WITH REFERENCE TO CITIES

It is a matter of common experience, that a fact may be so illustrated that a clear idea may be gained by the use of the parable, and for the purpose of illustrating the law as it now is, I desire that you suppose the existence of a machine shop founded a number of years ago for the doing of the work of that time, which was not great in quantity or complicated in detail. At the time of the founding of this shop and its start in business, a fairly reasonable and comprehensive system was devised and put into operation.

The business, however, has grown with extreme rapidity, both in quantity and in the variety of work to be done. From time to time as new tools, materials and various articles required by the expanding business were secured, they were thrown in a heap and have accumulated until a workman who is given a task, must sort over this heap of tools, material and appliances, sometimes at the expense of a large amount of time and labor, to see if he can find in the pile the material with which to accomplish the work required.

This is the status of the law with reference to municipalities in Iowa. We started out with somewhat of a system, but growth has been rapid, both in quantity of work and variety of duties. As the need arose from time to time, various cities have gone before the legislature and secured acts fitted to their special needs and conditions. This has been done until there is a varitable jumble of special enactments overlaying the general systematic law and it is necessary, whenever some important public duty is to be performed, for the officers having the matter in charge to expend weary days in sorting out the law to ascertain whether there is anything in this tangle that will enable the city to perform the work it seeks to do.

This applies to all cities alike, and recently there have been special enactments providing for cities under the commission form of government, cities under a city manager plan, and cities under the general law with a limited city manager feature. I will not undertake to say how many different kinds of proceedings there are for the issuance of bonds and the grave uncertainties that arise as to which method is to be followed, or the perils of making selections of the wrong method. This matter was thoroughly developed before you gentlemen at the meeting at Marshalltown. I need not dwell further on this because I am satisfied you understand the situation and are thoroughly convinced of the inconvenience the present body of law imposes.

THE BUSINESS CHARACTER OF THE CITY

The city is not a subdivision of the state or of the county, and yet it is in its nature governmental. Its functions, however, are mostly those of a business character as contrasted with those of a truly governmental nature. Its functions of a truly governmental nature form a comparatively small part, although the cities have had thrust upon them certain work of this character that in my judgment properly should rest upon the county.

The city arises by reason of there being a large number of people living on a comparatively small area. This density of population furnishes both the need for and the opportunity to have certain common conveniences that are impossible to more thinly settled communities. In order to have these conveniences the co-operation of the individuals is necessary and voluntary co-operation is impossible to secure. Therefore a scheme has been devised whereby the individuals may co-operate to secure these desirable conveniences, and in order that each member of the community may bear his just share of the burden, the compulsory form of co-operation is established by the laws of the state and we have a city government. Its main business is to furnish a place where its people may live the broadest and happiest life and for that purpose to supply for the convenience and welfare of its people those facilities that cannot be furnished by individual effort, such as:

Pavements and sidewalks
Parks and playgrounds
Systems of drainage and sewerage
Systems of water supply
Systems of light and heat supply
Systems of garbage collection and disposal
Libraries
Amusements
Enforcement of sanitary conditions
and many others of like nature.

The needs of the cities are diverse. One city may have a drainage problem that is overshadowing in its importance, another may have a problem of sanitary sewerage that is vital to its welfare, in another the grading of the streets may be the most difficult and important question, and yet under our system of law, all are required to fit the bed of Procrustes. If they are too long they are shortened, and if they are too short they are stretched.

THE HIGH COST OF LIVING AS APPLYING TO CITIES

The demands of modern life are continually adding to the conveniences for common use, which the inhabitants of cities are requiring of their city governments. Their people live more conveniently and comfortably than they did twenty-five or fifty years ago, and these conveniences call for the expenditure of increasing sums of money, with consequent increasing complaint from tax payers. But in my judgment the general level of taxation for city purposes will not decrease, but on the contrary, will continue to increase as the people of the cities increase their demands for a higher scale of communal living. In our boyhood we sawed the wood for the kitchen and daily carried it in and deposited it in the wood box. Today the housewife turns the gas burner and strikes the match and that is all there is to it. We carried the water from the dangerous well into the kitchen. Today the housewife turns the faucet, behind which there is a supply of carefully inspected and purified water. We went down town on a plank sidewalk or in a dusty or muddy dirt road. Today if we walk, we go on a cement sidewalk, or, if we ride, on a modern pavement. Then we read such books and magazines as we could purchase or borrow. Today we have the literature of the modern world at our hand in a public library. If we desired an outing we trespassed on the domain of some land owner. Today we have hundreds of acres of beautiful parks that are ours to enjoy. I might stand and call over this roll for a long time, but the main thing is that we are living much higher, and that we must expend more money if we intend to continue the expansion. I do not believe that the people of any of the cities will for a moment consent to forego the benefits of this higher scale of communal living. The important consideration, then, is that their officers may be enabled to supply their people with the facilities they demand and are willing to pay for, in the easiest and most convenient manner. If one community desires to throw a large portion of its income in the direction of the purchase of a park, another desires to concentrate its energies upon a drainage problem, and another desires to acquire facilities for the disposal of garbage, the law should be so shaped that each city may apply its revenues and resources in the direction desired by its inhabi-

tants. I am well aware that in making this suggestion I am stepping over on the territory of my friend Hanna, and also the territory long occupied by my friend Mueller, who have long urged the propriety of home rule in business and financial matters, but I cannot speak on this subject of legislation for municipalities without making some mention of the most important item embraced in the subject.

We find that our cities are hampered in their efforts to supply the demands of their people by a rigid system of laws, ameliorated by specific acts of enabling legislation doled out from time to time.

THE NEED FOR A MORE RATIONAL METHOD FOR RAISING CITY REVENUES

One of the most serious hindrances we have to contend with is the method for assessment of taxation. All our cities, except certain favored ones under special charters, are compelled to raise their revenues on the assessment upon which all the other taxes are collected. The situation is simply this. In times past, Jones was an assessor of a certain country township where the local needs for revenues were very light. Jones conceived the idea of making the assessment in his township very low, thereby avoiding the payment of very much state or county tax by the property in his township. Various other townships also had Joneses for assessors who were his equals, if not his superiors in enterprise, and after Jones had "ducked", the others proceeded to "duck" under him, so that the assessment of property for taxation in Iowa has for years constituted a mutual "ducking" enterprise, each assessor seeking to get his township lower than the others, and thereby escape a portion of the state or county tax. The cities were perforce compelled to do some "ducking" on their own account, else they would be compelled to pay the other fellows state and county tax, but the cities in "ducking" necessarily reduced their revenues for local needs and uses, and there was a point below which they could not "duck" and still perform their functions. The assessment law of Iowa started out on the theory that property was to be assessed at its full value. A few years ago the legislature recognized that this mutual "ducking" business had gone on until it was being assessed at about twenty-five per cent of its actual value, and

it adopted the situation into the law of the state, requiring that property be listed at its full value, and that twenty-five per cent of the property should be taken as its assessable value. The "ducking" still proceeds, and will proceed until there is some form of supervision of assessment for taxation whereby an honest return of values may be secured.

The cities have also been discriminated against in matters of taxation in several matters to which your attention has been called heretofore. For instance, although the cities have been for years spending immense sums of money for the building of high class modern paved roads, and although they owned a large percentage of the automobiles owned in the state, the law, until recently, generously provided that no part of the automobile tax might be expended within the limits of any city or town.

You are familiar with the unjust discrimination in the matter of the taxing of the property of the railroads, and that the tendency has been, and is now, to discriminate against the cities in matters of this character.

I further desire to call your attention to the fact that unjust burdens have been placed upon the cities, not so much through law in this instance as through custom in requiring cities to see to the enforcement, within the city limits, of the state law. In fact, until a few years ago the sheriff's office, which was supported by the cities as well as by the rest of the county, gave scant attention to affairs within the city so far as the detection and punishment of crime were concerned, whereby there grew up the evil of city officers being elected upon questions that were of minor importance so far as the business affairs of the city were concerned; that it got to be a custom to fight out city elections upon the question as to whether candidates were wet or dry rather than as to whether they were capable of handling the large business affairs which would come under their control. I may say that I hope that this condition is rapidly passing and that the time is not far distant when this evil will disappear.

WHAT WE NEED

I have held up to you a condition that is hampering you in performing your duties to your people, and is hampering your cities in achieving improvements and acquiring the facilities they desired and are willing to pay for. It would be

idle merely to call attention to the condition without the suggestion of a remedy, and while the remedy I suggest may not be the most desirable one, yet at least the suggestion of it brings us down to the question of remedies, which is the important one.

There has been made recently in Iowa by members of the local municipality, members and committees of the various commercial clubs and others interested in the matter of city government, a very considerable study of the city problem, and legislation has been recently enacted, which, though applying only to special matters, bears the impress of expert work and careful study and consideration. In my judgment, the city problem is one that is pressing forward for immediate solution, and I believe that now there is existent the determination to devise and put into effect a modern scientific system of city government under a broad, intelligent and elastic code of laws.

As the very life and functions of the city are derived from the acts of the legislature, I think you will agree with me that the most important work of this League will be an endeavor to shape the legislation of the future so that the cities may be enabled to accomplish their purpose in promoting the convenience, comfort and welfare of their inhabitants.

It seems to me that the time has arrived when this League should give its most serious thought to an entire rehabilitation of the law with reference to cities; that its legislation committee should not confine its attention to the securing of enabling or ameliorating legislation to fit special instances, but should prepare to go before the legislature with a demand for a revision of this portion of the Code which shall consolidate, systematize and simplify the law as it now is, incorporating therewith such new legislation as shall be necessary to produce a plain, scientific, comprehensive and elastic system of laws for city government.

I believe that the time is near when there can be secured from the legislature the appointment of a commission to make revision of the laws on this subject. My judgment is that this League should carry that proposition before the legislature and urge its adoption, and when successful in securing the authorization of such commission, they should see to it that men are

appointed who have expert knowledge of the needs of the cities and such a comprehensive grasp of the subject that the resulting revision will present a code of law of the character we desire, and that this revision shall not look to the past or to the present, but shall be made in view of the future as well.

MUNICIPAL OWNERSHIP IN CALIFORNIA

According to the report of John S. Chambers, State Controller, one hundred and four cities and towns in the state own municipal water works, with receipts amounting to \$4,312,619.34, not including bond sales or service deposits. The disbursements for operation, maintenance, water purchased, etc., amounted to \$1,871,491.23 and bond interest and redemption to \$1,570,-430.16.

Ninety-six plants furnish 198,662 consumers; 48 plants used 16,182,500,973 gallons of water during the year; 90 plants have 3,224 miles of mains; 97 cities have 14,917 fire hydrants; 13 plants have gravity systems, 66 are operated by pumps and 19 are operated by both; 22 plants were acquired in 1900 or previous; 35 plants were acquired between 1901 and 1910; 29 were acquired between 1911 and 1914, and 6 plants were acquired between 1914 and 1915. This indicates that municipal ownership of water works is progressing in an increased ratio.

Seventeen municipal lighting plants are reported and show total ordinary receipts of \$782,818; disbursements for ordinary expenses were \$466,982; interest and redemption of bonds \$44,963. Twelve plants buy their electricity and five generate it; kilowatts purchased and generated, 24,133,282; 546 miles of pole line and conduit; 13 plants cost \$2,344,261.

Thirteen cities operated municipal wharves and piers with receipts of \$147,816; cost of operation \$111,145. Outlays for new structures were \$847,698.

One city operated a gas plant with receipts of \$14,427 and operating expense \$11,188.

One city (San Francisco) operated a municipal street railway.

BLAIRSTOWN, IOWA—An election here resulted in favor of issuing water works bonds to the amount of \$15,000.

Probable Results of Legal Regulation

R. B. Howell, General Manager Metropolitan Water District, Omaha, Before League of Nebraska Municipalities

I feel highly honored that I am asked to address you this evening, and I have chosen as my subject one that has been of deep interest to myself and I am going to ask your close attention as I propose to discuss in a general way the probable results of legal regulation of public utilities—a matter that is of great importance to the people of Nebraska today.

You will realize that we are in the making stage in Nebraska; we have the future before us; we are now laying the foundation for what is to be hereafter. We have been very prodigal with our resources in the past. Take for instance our school lands. It has seemed to me that one of the most prodigal things this state ever did was to dispose of its school lands. I don't know of anybody that could have better afforded to speculate a little in land than the state of Nebraska. Suppose we owned all the school lands today, we would have a fund so tremendous that Nebraska would be second to no state in the Union so far as its endowment fund is concerned, its endowment of its public institutions. But our lands have been sold, the major portion has been sold. Now there are other resources that are in our hands and when we consider what has been done in the past isn't it of utmost importance that we should consider the resources that remain?

I am to talk about municipal resources. Those resources that are inherent in every municipality in this state. As I have said, we are in the making, these resources are still within our hands and not beyond our grasp. Many of the municipalities of Nebraska have already conserved these resources; others have frittered them away. Omaha has been extremely prodigal. Now in considering the conservation of our municipal resources we should consider the rights which we now have as municipalities, and we ought to think and consider very carefully whether we want those rights to get away from us.

I speak of those rights of home rule which the municipalities of Nebraska have enjoyed up to the present time. We have the right in every case of regulating our own public utilities. It is a right of inestimatable value and a right that is, if we are not careful, going to get away from us. There are those who believe in public ownership in this state. Some believe in it from fundamental principles which govern their views. Others believe in it because they think it is the most practical and economical way of handling our public utilities. Others think our public utilities in our cities should be controlled by a public service corporation. They admit they should not be controlled by these public service corporations, as these public service corporations have conducted them in the majority of cases in the past; they say, "No, we don't want public ownership, we must have legal regulation, and if we have legal regulation it entirely solves the question".

I am going to discuss tonight just what legal regulation means. Now we already have legal regulation—regulation by the municipalities. But when they talk about legal regulation they mean that we should transfer to the state railway commission all the powers which the municipalities now have to control their public utility corporations and place that power wholly within the hands of the state railway commission. In other words they are going to give up. The proposition is that the municipality should give up the control they now have and exercise if they see fit to exercise it, and tie their hands and turn it over to a commission composed of three elected at large. In my opinion such a course would be a great mistake in this case. It has been found a great mistake in nearly every state where they have adopted it and I think as we proceed that possibly I will be able to demonstrate this fact by the illustrations which I will afford.

Now to begin with the first meaning of

regulation—and I am going to speak now when I speak of regulation, particularly of the regulation of rates. Regulation of service is of course important, but I am going to speak particularly of the regulation of rates because that concerns the individual, and the people seem to be most concerned in the rates they pay provided the service is reasonable. In order to determine what is a reasonable rate, and that is what regulation would mean by a state railway commission, the first thing that is necessary is to determine the value of the property. Now the methods that have been adopted in valuation, the theories that have been engrafted upon our jurisprudence affecting this particular branch of activity are such that they seem to be wholly in favor of the public service corporation, and that that is so, is not strange because in nearly every case the public service corporation has been represented by the most able legal talent in the country, while as is well known, the case of the municipality, of the people, is often not in the hands of such high-priced attorneys. The public utility corporation attends to its business, and it is an unfortunate fact that the people very often let their's go until the horse has been stolen, and the consequence is that certain notions have been engrafted upon the method of valuation and have been engrafted on the courts that only mean one thing, absolutely no relief when it comes to legal regulation.

They can go through all the motions of securing justice but when they get through you will have just what you had before. Now we have in the past—at least I have—been in the position of having to demonstrate this with supposicious cases, but fortunately at the present time I am in position to demonstrate this with a concrete case.

We have now owned and controlled the entire water plant in Omaha for about three years; we are familiar with the work of operation; we know what the results of operation have been and we are now prepared to afford a concrete case and show exactly what regulation would mean and exactly what public ownership means. To this end I have prepared a chart or a statement for your consideration. I am now going to assume that the Omaha water plant is about to be valued for the purpose of fixing rates and we will assume it is to be valued by the state railway

commission that now controls, or by some other regulative body. Now there are three ways of valuing a property: first, by determining its original cost; second, by determining the value of each unit; and third, by the cost of reproduction. Now the reproduction method is the usual method that has been adopted. It means determining exactly what it would cost to reproduce this property now, today, as it stands. The Omaha water plant has been in existence since 1880, and of course your first thought would be that if you determine exactly what that plant was worth new today, just put in, you would say that is but it isn't just what it is worth new today, but what it is worth less the depreciation. Now that is exactly what they hold if you are buying the plant. They say to you here if you are purchasing the plant of course you want to purchase it on what it is actually worth, the cost of reproduction less depreciation, but if you want to value this plant for the purpose of rate making then depreciation is a matter you have nothing to do with, that is a matter for the stockholders. In other words they say the milk from an old cow is just as valuable as milk from a young cow; you are not interested in the kind of a cow when it comes to paying for your milk, the question is the quality of the milk and the quantity, that is all. So they say, of course now we must not think for a minute of depreciation of this property if we are determining its value for the purpose of determining rates. Now it happens that we took over the water plant in the city of Omaha on the first day of July, 1912, and the reproduction value of that plant had been determined by three engineers just exactly as the reproduction value is determined by your state railway commission, and its value was found to be \$6,507,000. Now we had added up to the first day of January, 1915, by construction one million dollars, that is nine hundred and some odd thousand dollars and the interest thereon, which will always be charged during the period of construction, amounted to a million dollars. Now then you know it takes money to carry on a big institution of this character; you must have working capital; and they always include a certain amount of working capital in determining rates, as also necessary to be contributed and invested in the business, and I have assumed in this case that the working capital should be about \$150,000. I

think at that time our bills receivable amounted to about \$300,000, but I have assumed the working capital to be \$150,000. Besides the plant there is always on hand a certain amount of supplies that it is necessary to carry and those supplies were worth on that date \$151,000 by inventory, so the total amount of supplies we had and working capital amounted to \$301,000. Then comes the matter of going value. Going value, I have always considered, is a fiction that has been created legally to save public service corporations. It undoubtedly has a foundation in reason, but this item of going value was first discovered in connection with the valuation of the water works plant at Kansas City. They valued that plant and the values fixed by the three engineers at which price the city had a right to buy it, was less than the amount of bonds against the plant, and consequently Judge Brower said, "We will throw in \$500,000 as going value and make it good measure". From that time on they have called it going value. As they describe going value it is something like this: suppose I have a building on this corner and an identical building on that corner, the corners are equally good and the buildings are identical; this one is filled with tenants and that one is vacant, has just been finished; how much more is the building filled with tenants worth than the vacant building, and so whatever you would say was the value of filling that building with tenants, that is the definition of going value. But the public service corporation is required to furnish service at reasonable rates and it is presumed that it collects what is necessary; now if this building here had been occupied by tenants and they have added enough of rent all along to overcome that cost of filling the building with tenants, you say as the public has the right in the case of public service corporations to service at cost, why if it has already got it out of the public they are not entitled to collect it again. So in every case where going value is suggested the burden of proof should be placed upon the public service corporation to prove that they never have collected it from the citizens and if they can't prove that they have no right to claim going value. They charge going value and we have estimated the going value of the Omaha water plant as of the present time with its present income—now the usual method for

that is this, they assume for instance that it would take ten years to build up a business equal to the present Omaha water plant and at the end of the ten years that it had reached that point, now what had been lost in the meantime? Now that is the method we have adopted in connection with determining the going value of the Omaha water plant, and I found the going value to be \$1,734,000. Adding the items together we have \$9,142,000 as the value of the Omaha water plant for the purpose of determining rates. We will now determine, if the plant was in the hands of a private company, how much they would be allowed to collect from the people; that is how much should this public utility commission authorize to be collected. The cost of operating for the year ending June 15, 1915, was \$258,000; the depreciation which we charged off for that year was \$153,000. You know they are always charging in connection with public owned property that they pay no attention to depreciation. We had questionable accounts amounting to about \$4,000. Now then we placed in the sinking fund \$127,000 that is to pay the bonds off. Then there is the interest on the bonds amounting to \$338,000. The total cost was about \$830,000; that is what we had to collect to meet the cost of operation of that water plant including the depreciation and sinking fund for that year. I put the sinking fund in for that reason that you know they are always charging that a publicly owned plant don't pay any taxes.

But they say, "You don't pay any taxes". Suppose we did pay taxes, we would take a sum of money equal to the taxes and take it over to the city treasurer and pay it to him and he would hold it for the people; now we don't pay any taxes, but we take \$127,000 out of the earnings and take it over to the city treasurer and pay it to him and he holds that for the people, so the same people get it, it comes out of the earnings, but with this difference; when we began to agitate public ownership in the city of Omaha the water company that year—the first year we voted bonds for the purchase of that plant—paid less than \$15,000 in taxes to the city of Omaha, but if they had paid, if that was not a public owned plant and they had paid what they ought to pay the taxes would be something less than \$127,000, but I have called it \$127,000, we will assume it is \$127,000; so you see, taking everything into

consideration, taxes, depreciation, interest and all it would cost the city to operate that plant \$830,000. Now we collected \$35,000 more than that. We aim to have a little surplus every year. We collected \$35,000 in the way of additional operation service charges and then we had in addition to that in the money we had already accumulated, \$40,000 and interest, so we came out at the end of the year with a surplus of \$75,000, and \$127,000 set aside for the sinking fund, on a sinking fund plan that will afford enough money to balance the bonds when they come due in 1942.

Let us see what a commission would allow the private corporation to do. Of course they would allow the private corporation to collect \$258,000, which was the cost of operation; they would have allowed them \$103,000 for depreciation just the same; they would have allowed them \$4,000 for doubtful accounts just the same; they would have allowed them for taxes \$127,000, just the same; and then for earnings what would they have allowed them? We had a hearing in the city of Omaha the other day before the commercial club. The commercial club had appointed a special committee to take up the question of electric light rates in the city of Omaha and this special committee was co-operating with the company in a special audit of their books, and the special committee said they would like to hold a meeting and have the citizens present to ascertain in advance what rate of compensation the public service corporation was entitled to as a return on their investment. I attended that meeting and the electric light company made a showing that they were entitled to eight per cent on the capital invested. Some who were there thought possibly that seven would be about right, but we were assured that it cost eight per cent to get this money with a reasonable return to the promoter and therefore they were entitled to eight per cent, and that is the position that has been taken pretty generally so I have assumed eight per cent upon this valuation for the purpose of making rates. So eight per cent upon the \$9,542,000 amounts to \$764,000, and the court upon the findings of the public utility commission would have allowed the private company to collect for the service afforded by the Omaha water plant \$1,256,000, against an amount to be collected of \$830,000, or a differ-

ence in favor of public ownership of \$426,000.

Gentlemen, these figures cannot be controverted, except it might be urged by some that in fixing the value for determining rates the depreciation should be reduced, and they might further attack this showing by saying the going value I have fixed is too much. Now then to meet any such contention I am going to afford—I am going to change these figures a little bit. We are going to subtract depreciation, the depreciation that was allowed by these appraisers as we were buying this plant plus the depreciation we set aside, which would reduce these items here to \$6,472,000; in other words I am going to subtract from the sum of these two items the sum of \$1,039,000, I think is the amount, which would leave the value \$6,472,000. Now that would be the most favorable condition under which anyone would contend the plant would be valued. Now then they might say that the going value was too much. All right, let's cut it in two. I have just cut it in two. Now let us add up what we find this plant worth \$7,642,000 for the purpose of making rates. I have the same items of cost of operation, depreciation, doubtful accounts, taxes, and interest \$611,000 instead of \$654,000, total cost of operation \$1,103,000. Now since we have taken over the water plant we have reduced the rates in the city of Omaha forty per cent. The total saving this last year, the year I am considering, was \$215,000 to the people of the city of Omaha.

In addition we saved the people of the city of Omaha for hydrant rentals that year over and above what they would have paid to a private corporation, \$16,000, making a total of \$231,000 as the amount of saving. Now we collected last year \$35,000 on account of operation above the necessary cost of operation, which added to this makes \$865,000 and add that item to the \$231,000 that we saved the people, and it amounts to \$1,096,000. In other words if the Omaha water plant were still under the control of a private corporation and the public utility commission in this state was fixing its rates it would still be allowed to charge this same old rate because you see the cost of operation was \$1,103,000 without any surplus and the cost of operation as it is today, taking everything collected plus the \$35,000 extra, plus everything saved, would be \$1,096,000. Regulation wouldn't mean

much would mean the same old rate under the most favorable circumstances. Now why is that? It is just as simple and easy if you just stop and think a moment. Unless a man's attention is particularly called to the tremendous meaning of interest, it is difficult to realize what a small interest added every year amounts to. Some years ago I happened to be investigating a matter in connection with the thirteen colonies in 1776 and I discovered that it had been estimated that the total wealth of the United States, or of the thirteen colonies, in 1776 at the time of the signing of the Declaration of Independence was less than one billion of dollars, and yet in a short period of time so far as the life of a nation is concerned, that has elapsed since that document, in 1912 the wealth had increased to 188 billions.

No wonder we have been called the get rich quick country of the world. Then I asked myself how much money at the regular bank rate of interest, four per cent, would I have to have on deposit in 1776 to amount to 188 billions and I found it was \$866,000,000. In fact in this great rich pioneer country nothing has beat four per cent but five. The average increase in wealth has been four percent, less than bank rate interest. You know I have had more respect for four per cent than I ever had before since I worked over these figures. The public service corporation says we are entitled to eight per cent, and I think probably a good many here would say, "I don't think there is anything very unreasonable about that", but Omaha borrowed the money to buys its water plant, for four and four-tenths per cent. The difference between four and four-tenths per cent and eight per cent is three and six-tenths per cent. Take three and six-tenths per cent in the case of the water plant; if that was deposited in one of your savings banks here paying four per cent at the end of thirty-three years it would pay off the \$7,543,000 in bonds that were issued to buy the water plant; it would pay off the total general indebtedness of the city of Omaha at the present time amounting to \$6,947,000 and leave a nice little nest-egg of four millions at the end of thirty three years. And thirty three years in the history of a city is less than a year in the history of a man's life.

See the tremendous resources of a city, the tremendous possibilities of its borrowing power. They say, my friends, we ought to have regula-

tion. Don't you see that the man who says you ought to have regulation, that you ought to overlook public ownership, he don't want you to think about the difference in the borrowing power of a private corporation and a municipality; he don't want you to think about four per cent compounded semi-annually as they do in your savings banks. He passes over that, but that is a tremendous factor that is in the hands of every municipality in this state, for if you can't borrow at four and four-tenths per cent let me say to you this, that one and a half per cent placed at interest and compounded semi-annually would amount to a hundred per cent at the end of thirty-three years.

(To be continued)

KANSAS GOVERNOR FAVORS MUNICIPAL OWNERSHIP

Governor Capper of Kansas, in a recent article in Kansas Municipalities, favors municipal ownership especially of waterworks. The governor says in part:

I am unqualifiedly for municipal ownership of waterworks. Topeka's experience with its waterworks system during the past 11 years furnishes, I think, an argument of great value for the public ownership of this necessary utility, which is of course a natural monopoly.

I think I may say for the people of Topeka that, almost without exception; they are proud of their own waterworks system. It has been efficiently and cleanly managed. There is no politics, partisan or otherwise, in its management. Indeed my own belief is that when you municipalize a public utility you almost always take it out of politics pretty effectively. Municipal politics, in an unfavorable sense, in this country, has usually resulted from the relations between venal owners or managers of privately owned public utilities on one side and equally venal city officials on the other.

CHARTER OR MEN

The city of Los Angeles is considering a new charter. This seems to be a popular diversion in this southern California metropolis, and does no one harm. If the voters would only learn that it is more important to elect the right men than to change the plan of government better results would be obtained.

Maintenance Bonds For Street Paving

The following statement of how the Fidelity and Deposit Company looks at paving maintenance bonds will be of interest to municipal officials, as it gives the view point of one of the companies signing such bonds:

This is a class of bond, the liability of which is not often fully appreciated, and in order to explain to some extent the company's policy in handling them, the following may be of interest:

In our cities today it is the practice before any modern pavement is put down, for the paving commission or the engineer in charge to first make a study of the traffic conditions as they then exist and the traffic conditions as they will probably be five or ten years hence. If the pavement is to be laid in a residential district the question of noise is a factor, while if on a hill the question of slipperiness becomes an important feature. Giving these the proper consideration, the pavement is then designed to fulfill the various requirements, and is put down by the contractor under most careful inspection by the engineer in charge.

Taking into consideration the fact that the contractor has had no part in the study of the present traffic conditions or those likely to be encountered in the future, and has not been called to give his views as to the designing of the pavement, but, on the contrary, has been required to build it strictly in accordance with the ideas of others, it seems absolutely unfair to ask him to guarantee it, to say nothing of asking for a guarantee of three, five or in some cases even ten years. It results in placing upon the contractor the burden of expensive repairs. If the paving commission or the engineer in charge should in their study of the probable future conditions overlook some highly important factor which had not been given the consideration due it, such would no doubt have meant a pavement of an entirely different class.

Had we been told some ten years ago that it would be nothing unusual to see our pavements carrying loads of fifteen tons or more, we would have been extremely liable to discredit it. Yet

this actually happens every day in our cities where the combined weight of some of the larger motor trucks and their load often exceeds fifteen tons, and to make matters worse, by far the largest percentage of the weight is carried on the rear axle, so that the load thus distributed by each of the rear wheels is often as much as six tons. If these rear wheels are equipped with tire chains—a factor entirely unforeseen some years ago—the resulting wear and tear to the pavements, particularly those which were constructed prior to the existence of such conditions, can easily be appreciated.

A very excellent example of the unforeseen future conditions is brought out very clearly by the following editorial appearing in the Engineering Record of March 4, 1916:

"Recognition of the added wear on pavement by motor buses was made in Chicago recently by a company seeking a franchise to operate over the boulevard system of the Lincoln Park board. The offer to finance a \$300,000 bond issue to repave the north side system along Lake Michigan in exchange for a twenty-five year franchise to operate on the roads meets the most serious objection that the park officials heretofore have interposed against granting the right. The present paving, it has been contended, will not stand the heavy bus traffic. Agreements of this kind or monetary consideration will have to come sooner or later if the increasingly heavy traffic of special interests, as differentiated from that of the general public, is to be taken care of. Many of our paved streets now have little more than a factor of safety of one. Probably in no other class of engineering structure has the unity factor been approached with such rapidity, but ultimate rupture does not cause an accident and little attention is paid to a study of yield points. Yearly inspections of railroad bridges are made to ascertain the factor of safety which the members have under increased weight of the newest and heaviest rolling stock. The same practice is carried out in a more or less perfunctory way in highway bridges, but no one

ever heard of a road inspection to see how heavy trucks it would carry, assuming a definite factor of safety."

Again, it is perfectly possible, and to our knowledge on several occasions has happened, that a pavement was laid in what was at the time a strictly residential district, where traffic was light and the pavement designed accordingly. However, large factories or manufacturing plants encroached on this residential district, or were built up beyond it, as a consequence of which the street in question became more or less the main artery for the delivery of raw materials, coal, etc., used by the manufacturing plants, as well as for the delivery of their finished products. This naturally caused the rapid deterioration of the pavement, as it was called upon to bear a traffic for which it was in no way designed. As this wear became very appreciable before the expiration of the maintenance period, the contractor was called upon to make the repairs, which were quite extensive. The injustice of this is, of course, self-evident.

Another instance of the injustice of a city asking that repairs be made is where a bituminous pavement was put down in one of our larger cities, and before the expiration of the maintenance period large holes developed in the surface. As the contractor for whom the bond was executed had died, the surety was asked to make the repairs. Investigation showed that they were probably due to the custom of the residents of the neighborhood to make small bonfires on the street, in which their rubbish, debris, etc., were destroyed.

A further example of an unjust claim for repairs to a pavement was where a certain street paved with granite block on a concrete foundation was crossed by a railroad switch and where a heavily loaded car had become derailed and was carried almost entirely across the street on the pavement before it was stopped. The consequence of this and the replacing of the car on the track caused a failure in the concrete foundation although the granite block was not apparently injured to any appreciable extent. Two or three months after the accident occurred and when it was forgotten, the contractor under his guarantee, was called upon to repair the pavement at his own expense. In this case he naturally refused, quite properly claiming that he

was not at fault. However, the burden of proving this and the expenses of litigation approximated the cost of making the necessary repairs.

Knowing that such conditions as these exist and fully realizing that a contractor for whom this class of bond might be executed may, before the expiration of the maintenance period, fail, go out of business, change his location without the knowledge of the surety, or die, in the case of the corporation, fail or retire, so that if repairs become necessary, the surety would be required to make them, with no chance of reimbursing themselves for the expense resulting, this company has adopted the policy of executing these bonds only in such cases where they are satisfied that the chances of repairs becoming necessary during the guarantee period are extremely small.

As in some cities the terms of the guarantee are much more strict than in others, and the portion of the pavement lying between the car tracks and out to the end of the ties (or say eighteen inches outside of the rail), are not included in the guarantee; while in other cases a certain part of the cost price is held as an additional guarantee until the expiration of the maintenance period, and as these various points are usually carefully outlined in the contract and specifications, in submitting a case of this kind to the Home Office an agent should invariably send a copy of these, advising whether the pavement is in a manufacturing, a business, a built-up residential district or a residential district being developed, and whether there are street car tracks on the streets to be paved.

The company does not authorize any of its agents to execute bonds or commit it to the execution of bonds covering maintenance guarantees on street paving until the Home Office has had an opportunity to study the contract, specifications, and the contractor's financial statement, and is given full facts regarding the local conditions, and the company satisfied, after a review of these, that the case is one they are willing to assume. This principle holds in all cases.

The city of Bridgeport, Conn., is about to appoint a commission of local bankers to supervise the raising of over two million dollars by bond issue. It is a pretty good plan to consult the bankers on financial problems.

Battle Tactics and the Paved Highway

By P. S. Bond, Major, Corps of Engineers, U. S. Army, Member A. S. of C. E.

The usefulness in war of a substantial system of highways can scarcely be overstated, but it can be misunderstood and frequently is. Our freedom from wars, during long periods, has made the term 'military road' little more than an historical phrase in America. It calls to mind the Cumberland pike and suggests the conditions of military enterprise that gave rise to our constitutional provision for federal military roads.

Those conditions antedate the railroad. In the present state of affairs the longer hauls for the assembling of soldiers, munitions and supplies will almost invariably be made by rail. Military considerations do not call for long single lines of road through the interior of the nation so much as for intensive systems of parallel and intersecting roads in the probable zones of actual warfare in case of attack by a foreign enemy.

To appreciate the tremendous usefulness of such road systems, it may be necessary to review some of the conditions of modern war as exemplified in Europe today. In speaking of innovations, I use the word with respect to popular American conceptions of war, which are still largely founded on the civil war of the sixties. The European war has really developed very few innovations, from the standpoint of the military student. Attacks by gas and liquid fire, effective as surprises, have been among these few. The general nature of the struggle was either anticipated by military men or actually demonstrated in the other wars of the last two decades. I wish particularly to refer to some phases of modern war with reference to the use of highways.

While less reliance than formerly is placed upon permanent fortifications, trench warfare between nearly equal forces tends to develop a condition of deadlock, in which the tactics are similar to those of a siege. Hence the roots of supply do not, under certain conditions, vary as much as in the old days of open fighting when one army would pursue another half across a continent on foot.

Not only are routes of distribution more nearly permanent, but the volume and weight of the traffic is such as to justify and require the most substantial kind of highways. Larger armies eat more food. Larger and more intricate guns consume immensely more ammunition. The British army in Belgium is said to have fired more shells in a single day than were used in the entire Boer war. These are transported from the railroad terminals to the place of consumption very largely by motor truck and the effect on any but the most substantial roads can be imagined.

Add to these conditions the mobility now required for very heavy guns. It can be seen that the placing and replacing of ordnance weighing many tons per piece—the saving of guns in case of a sudden retreat—would be virtually impossible under the conditions that prevail on most American highways during long seasons, or would impose the heaviest possible tasks upon the engineering arm of the service.

We have pictures showing the kind of improvised roads upon which the resourceful Germans have been compelled to rely in Russia. They follow the principles of the old American corduroy road, with a foundation of stringers and transverse logs, on which are laid brush and dirt. The contrasting advantages of level durable road surfaces, prepared in time of peace with an eye to the exigencies of war, are so striking as to make comment unnecessary.

But the greatest advantage of motor trucks and suitable motor roads has yet to be mentioned. To appreciate it, one must bear in mind the broad nature of battle tactics. War is not unlike football. An army must hold the foe in check at all points on the line and relies for its success upon smashing attacks by the concentration of troops at some particular point. In the old days the plan of attack was often concealed from the enemy until the moment when it was sprung.

Distance and natural obstacles to vision made it possible to work out a maneuver with comparative leisure. Today the hostile aeroplane

hovers overhead and conveys prompt information of the concentration of any considerable body of troops at any given quarter.

To render such an attack effective, it is therefore necessary to make it a sudden attack, like the dash of the backfield in a football game. To be able to move a whole division by truck and auto to critical point at a rate of twenty or thirty miles an hour would greatly facilitate both offense and defense. It is said that the battle of the Marne was won by the sudden concentration of French troops, using motor transport over the splendid chaussees of France, upon the German left wing.

One road will not suffice for this variety of tactics, although one is better than none. The ideal would be a number of parallel routes traversing the line of battle, with frequent cross roads to permit the distribution of reinforcements at any desired point or points. In war, football or chess there is only one rule for success and that is to oppose a lesser force with a greater force at the crucial point in the conflict. This does not mean that the largest army always wins, for the largest army may have three quarters of its numbers out of action through lack of generalship or failure of transport facilities. Mobility can take the place of numbers much better than numbers can be made to take the place of mobility. When this fact is digested, the immense tactical value of paving can be better appreciated.

The motor can thus lessen the fatigue of forced marches and increase their possible radius five fold or more. It is also probable that motors will take over part of the work of transport formerly accomplished by rail. There is considerable necessary delay in entraining troops and getting a clear track for their movement, so much so that the old rule was to undertake movements of thirty miles or less on foot, as being prompter than train service. With suitable roads and an abundance of motor vehicles, this line of demarcation might be placed at sixty or a hundred miles or more, depending on the particular circumstances of the case.

The unimproved highway is our weakest link today from the standpoint of military transport. America has the railroads. It has the autos and auto trucks. Whether the latter can be used, or whether we must go back to the age of

the mule whacker and the dreary march rests with those who are responsible for our highway improvements. Any city within a hundred miles of our coast or frontier may some day be the base of military operations that will put its surrounding highways to the severest test. Very few would meet it creditably.

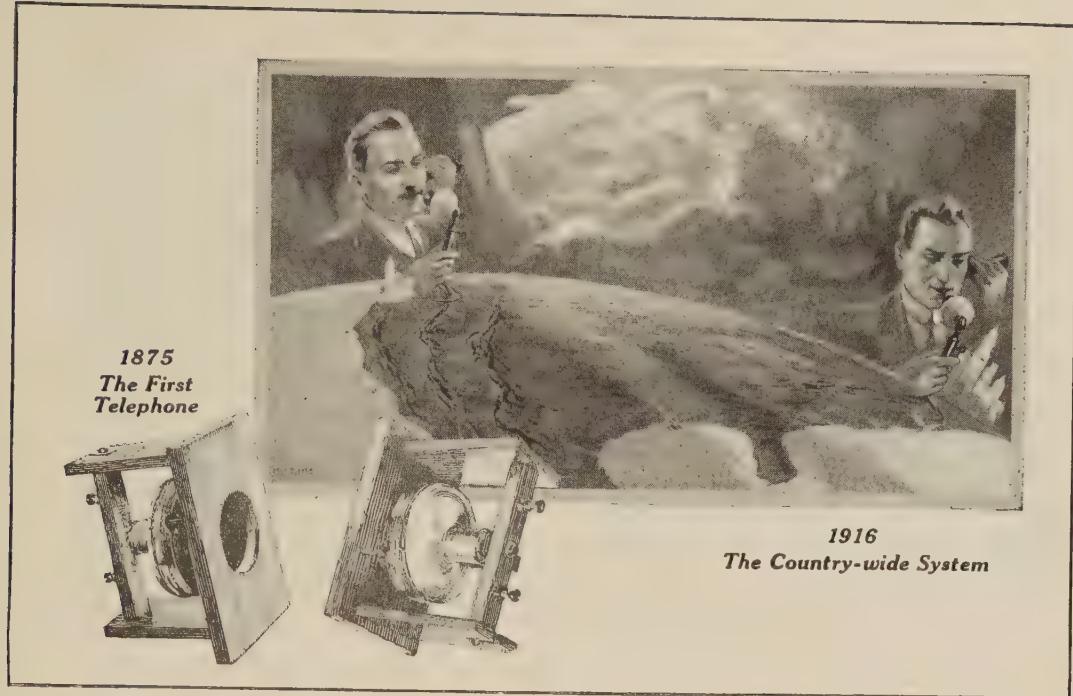
In a military crisis such a system of roads would much more than pay for itself in the saving of other forms of military expenditure. Considering also how they conduce to the wealth of the nation in times of peace, there seems to be no possible argument against this phase of preparedness.

MUNICIPAL OFFICIALS INTERESTED IN MUNICIPAL CONTRACT

James v. city of Hamburg et al.—Code 187, § 668, subd. 14, declares that no member of any city council during the time for which he shall have been elected shall be interested directly or indirectly in any work or the profits thereof to be performed for the municipality. Code Supp. 1907, § 1056a31, referring to cities of different classes, declares that no officer or employe shall be interested directly or indirectly in any contract for work and materials or for the profits thereof. A member of a banking co-partnership who was a member of the council of a city agreed to advance to a municipal contractor funds to complete his contract, the contractor at that time assigning compensation which should be due from the city. Held that, as the councilman who was a member of the banking firm would have a voice in determining the acceptance of the work and whether the contract had been complied with, the assignment is void and unenforceable for it gave him an interest in the contract contrary to the statute.—Supreme Court of Iowa, 156 N. W. R., 394.

HIGHWAY REPORT

George W. Tillson, M. Am. Soc. C. E., Henry G. Shirley, M. Am. Soc. C. E., and Arthur H. Blanchard, M. Am. Soc. C. E., a Commission of Engineers, appointed by the Wilmington Chamber of Commerce, have recently submitted a report on the Administration, Construction and Maintenance of Highways which are under the jurisdiction of the Levy Court of New Castle County, Delaware.



Forty-one Years of Telephone Progress

The faint musical sound of a plucked spring was electrically carried from one room to another and recognized on June 2, 1875. That sound was the birth-cry of the telephone.

The original instrument—the very first telephone in the world—is shown in the picture above.

From this now-historic instrument has been developed an art of profound importance in the world's civilization.

At this anniversary time, the Bell System looks back on forty-one years of scientific achievement and economic progress, and gives this account of its stewardship:

It has provided a system of communication adequate to public needs and sufficiently in advance of existing conditions to meet all private demands or national emergencies.

It has made the telephone the most economical servant of the people for social and commercial intercourse.

It has organized an operating staff loyal to public interests and ideals; and by its policy of service it has won the appreciation and good will of the people.

With these things in mind, the Bell System looks forward with confidence to a future of greater opportunity and greater achievement.



**AMERICAN TELEPHONE AND TELEGRAPH COMPANY
AND ASSOCIATED COMPANIES**

One Policy

One System

Universal Service

CLIPPINGS FROM RATE RESEARCH

The Wisconsin Utility Commission in discussing a fair basis of charge for changing from direct current equipment to alternating, says:

"It would appear that to be fair to both interests, the consumer should pay for the depreciation of his current installation and the utility for that part that is still useful but for which the consumer is unable to realize, plus the cost of making the change.

"We find that the practice heretofore followed by the respondent with respect to the replacement of direct current consumers' equipment by alternating current equipment is unreasonable, and that a greater portion of the expense of such changes should be borne by the utility. We regard the following method as a reasonable one upon which to apportion the cost of making changes when the respondent desires to discontinue the direct current service:

"1. Determine the original cost of the motor and control equipment and deduct its scrap value from the original cost.

"2. Determine by inspection the per cent condition of the equipment taking into account its remaining useful life and the care it has had while in service.

"3. Apply the per cent condition to the original cost less scrap value, and

"4. Add the scrap value to the result thus obtained to give the present service value of the motor equipment before the direct current service is discontinued.

"It is optional with the respondent as to when any customer or group of consumers is changed from direct to alternating current service. The utility should also have the option of offering to purchase the direct current motor equipment at its present service value or of reimbursing the consumer for the difference between present service value and secondhand value received by the consumer when he sells his equipment.

"If the utility maintains a direct current

circuit for a number of years, the cost of making the change on the above basis will be reduced because of the continued depreciation of the motor equipment. If the circuit is maintained for perhaps ten or twelve years, the company should have little, if any, obligation, in connection with the direct current motors in service until that time. This proceeding does not cover motor equipment owned by those consumers having their own power plants and utilizing the service of the Janesville Electric Company only occasionally.

"It is expected that all amounts expended in compliance with the order herein shall be held in a suspense account, properly labeled to establish its identity and amortized over a period of not to exceed ten years, since the commission does not regard this as an expenditure properly chargeable to the permanent capital account.

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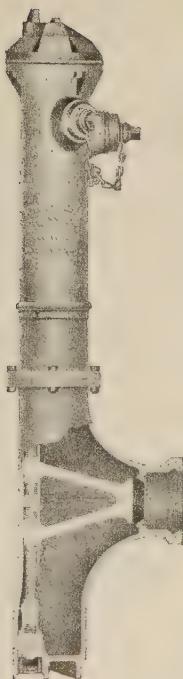
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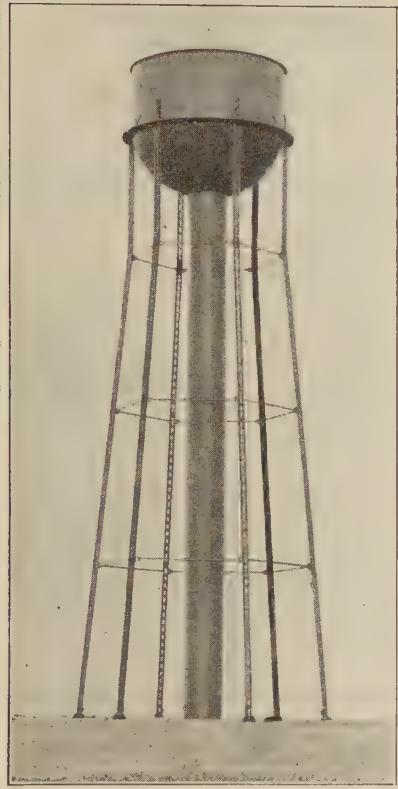
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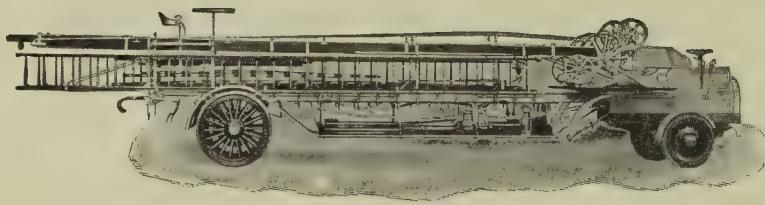
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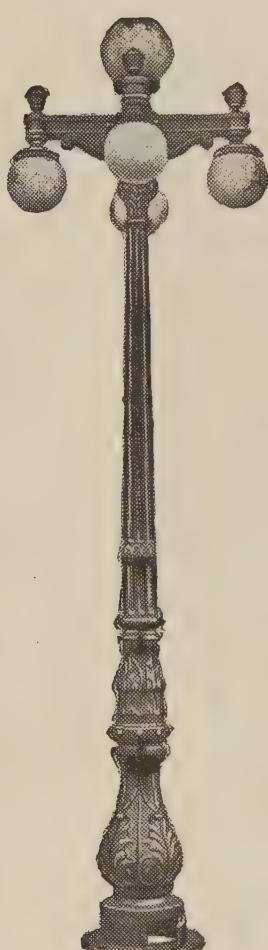
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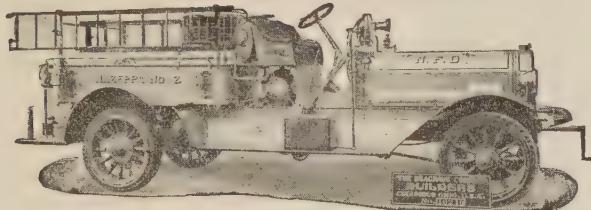
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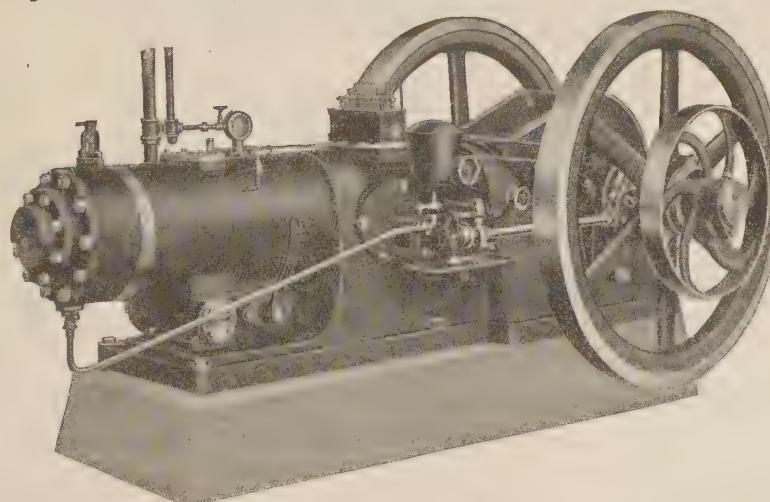
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Artificial asphalt a by-product from the refining of certain petroleums.

Asphalt. * * * A mixture of different hydrocarbons; mineral pitch; hard bitumen. It is found mostly in superficial deposits in various parts of the world, the so-called pitch lake of Trinidad being the most notable source.

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Artificial asphalt, the solid residuum from the refining of certain kinds of petroleum.

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American Municipalities

July, 1916

Vol. 31, No. 4

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

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COMMENT

Municipal officials should keep the annual conventions of their state leagues in mind and make arrangements to attend them.

The two or three days spent at the convention is of the greatest value as it is here that new ideas are secured and better ways found of doing the every day work of municipal government.

The convention of the Iowa League will be held at Dubuque in September and the officials and commercial club of that city are already making arrangements to give the delegates the best time they ever had.

If you are a municipal official and are simply holding the office for the salary you should resign as no man can do his best work if the salary is the first consideration.

You should want to give the people the very best service of which you are capable and unless you do this you are not doing your full duty.

A man who draws a salary from a city or town and does not give the best service of which he is capable is just as much a grafter as the man who secures money from the municipality in any other dishonest way.

If you are paid for your time and do not give it to your employer you are dishonest and a grafter and if you hold a public office and do not give the public your time you are dishonest and a grafter.

What is needed in municipal affairs is not some new or different kind of plan of government but rather more efficient service from the officers and employees under the plan you now have.

Remember that efficiency is the test of modern life and that the test is and should be applied to public officials the same as men engaged in business or other occupations.

The paper continued in this issue on State Regulation of Public Utilities by the General Manager of the Omaha Metropolitan Water District is well worth the reading and consideration of every municipal official as it presents some of the faults of state regulation.

The article by Prof. Hatten on Proportional Representation in municipal elections presents a

new solution for municipal troubles that should at least be given careful consideration.

We publish in this issue a picture of the wild flower garden in Los Angeles and every park in Iowa should have such a garden or one of the small parks should be turned into such a garden.

TOWN SCALES

The last legislature embodied a provision in the law relating to the state department of weights and measures, providing that a municipality cannot compel the weighing of commodities on the city and town scales where, such commodities have been weighed on a scales inspected by the state department of weights and measures. This provision, to all intense and purposes, has the result of repealing the law giving municipalities control over weights and measures. This provision once more shows that the state departments and commissions at Des Moines are constantly working to take away from the local communities, control over different matters and to centralize such control in these commissions and departments at Des Moines. Every municipal official in Iowa should oppose this tendency and insist that the municipalities be given a greater degree of home rule for strictly local business affairs. This provision makes it impossible for small cities and towns to maintain their municipal scales on a paying basis and it should be repealed by the next legislature. Municipal officials should talk with their prospective members of the legislature in regard to this and insist that the candidates agree to vote to repeal this provision in case they are elected to the legislature. It will be a great help to the legislative committee of the League if the different municipal officials will report to the secretary of the League the position taken by the candidates for the legislature on this important question. Do not put this off but see your candidates at once and report as to their standing.

TRANSIENT MERCHANT ORDINANCE

Mr. E. J. Kullmer, city attorney of Maquoketa, has a short article in this issue, page 133 on transient merchant ordinance. Both Mr. Kullmer and the editor would like to receive the opinions of other city attorneys on this Maquoketa ordinance. In ordinances of this kind draw by the secretary of the League the

words "or place" has been inserted after the word "structure" in line 4 of sub-division d. In some cases goods such as buggies are sold on vacant lots and these should be included. This transient merchant question is an important one and we should try and get an ordinance that will be legal and at the same time fair to all concerned.

NATIONAL SEPTIC PROCESS PROTECTIVE LEAGUE

Nearly one hundred cities and towns have already joined the National Sectic Process Protective League and many more are considering the matter. Every municipality in the country that has a sewage disposal plant, and has not paid a royalty to the Cameron Septic Tank Company, should join this association. It makes no difference where the test case is started and tried, if the Cameron Company can establish its present claims in one case, especially if this case is carried to the supreme court of the United States, it will then be in a position to enforce its claims against every municipality in the country. If the law be once established adversely to the municipalities, all will be obliged to pay the royalties.

The cost of a membership in the National Shptic Processs Protective League is small and every interested municipality should pay its share toward the expenses of a test case. See that you do your share and allow your dues at the next council meeting.

CONCRETE ROAD BUILDING

The proceedings of the Second National Conference on Concrete Road Building has been issued from the Chicago office and is a valuable book for all interested in concrete roads. The proceedings make a volumn of over three hundred pages and is sold at the nominal price of one dollar a volumn. Orders accompanied with the price, should be sent to the National Conference on Concrete Road Building, 111 West Washington St., Chicago, Ill.

If a firm from whom you buy material and supplies is not an advertiser in American Municipalities suggest to their salesman the next time he calls the propriety of his company giving us an advertisement.

Transient Merchants Ordinance

By E. J. Kullmer, City Attorney, Maquoketa

The desirability and necessity of a transient merchant and peddlers ordinance providing a variable and graduated license fee is recognized, I think, by every city attorney in the state. Attempts to that end have been discouraged by the fear of running counter to the law governing delegation of power. The result has been that we have felt compelled to fix our license fees at a definite sum, and this sum we find in a majority of cases to be either inadequate or unreasonable, according to the character and volume of the business.

I herewith submit for consideration a portion of a transient merchant ordinance recently adopted by our city, in which we have undertaken to avoid the objections of "delegation of power", "discrimination" and "unreasonableness". It contains maximum and minimum fees for different periods of time and subject to these it fixes the license fee at 3% of the fair cash value of the goods to be sold, allowing the mayor to make a reasonable variance therefrom warranted by the character of the business, number of employees, etc. If the fees under this ordinance could be held unreasonable or discriminating, the figures can easily be changed. Our principal concern, then, is whether the power delegated to the mayor to vary those fees under certain circumstances is a prohibited delegation of power.

In the case of Decorah vs Dunstan, 38 Iowa 96, in considering an ordinance granting the mayor power to fix the license at not to exceed \$20 per day the court says:—"We do not see, either upon authority or principle, any valid objection to the amended ordinance under the general power above given, whether we construe it as fixing the fee at twenty dollars, or as leaving it for the mayor to determine and fix a less sum where the amount to be sold or other cause shall justify it."

The case of Ottumwa vs Zekind, 95 Iowa 622, undertakes to criticise and distinguish the holding in the Dunstan case, but upon careful reading it will be found that these criticisms relate

to discrimination and unreasonableness, and nowhere to that of delegation of power.

In State Center vs Barenstein, 66 Iowa 249, the ordinance provided a license fee of not less than one nor more than twenty-five dollars for a fixed time in the discretion of the mayor, and the court says:—"The limitation of \$25 has no significance, because the time for which that sum might be charged was left wholly to the mayor, and he might fix so short a time as to be equivalent to a refusal to license at all, this we think, was not a proper exercise of the power vested in the council to regulate and license peddlers. It was more in the nature of a delegation of their whole power to the mayor."

In Marshalltown vs Blum, 58 Iowa 184, the ordinance provided for a license fee of not less than one nor more than twenty-five dollars, at the discretion of the mayor, and though the ordinance was held illegal, it was on other grounds and the question of delegation of power was not referred to.

In Easterly vs town of Irwin, 99 Iowa 694, the court indicated that an ordinance providing for a license fee to be fixed by the mayor in each particular case might be illegal because of delegation of power, but in this case there was no fixing or limiting of the license fee as to time or amount, the whole power being delegated to the mayor.

In Scranton vs Hensen, 151 Iowa 221, the ordinance provides a license fee of not less than \$1.50 nor more than \$15, in the discretion of the mayor, and while the court considered the ordinance in quite a lengthy opinion, it failed to criticise the provision giving the mayor the power to fix the license fee within certain limits.

That provision of the Dunstan case relating to the delegation of power to the mayor to fix the license fee within certain limits, has never been overruled, and the seemingly adverse holdings are only in those cases where the whole or an unreasonable power has been delegated.

The submitted ordinance, or one drawn on the principle therein contemplated, will, I think,

avoid the inhibition of delegation of power, and at the same time be reasonable and just in all cases regardless of the size of the business, permit variance to be made to meet the necessity of greater or less police protection, render protection to the local merchant and at the same time be fair to the transient.

Section 2. No transient merchant, or any person acting as agent or employee of such transient merchant, shall sell or offer for sale any goods, wares or merchandise within the limits of this city without first procuring a license and paying a tax therefor, for which license and tax such person shall pay the following, to-wit:

1 day	not less than \$ 2.00 nor more than \$ 25.00
2 days	not less than 4.00 nor more than 40.00
1 week	not less than 12.00 nor more than 75.00
1 month	not less than 40.00 nor more than 200.00
6 months	not less than 100.00 nor more than 400.00

(a.) Provided, that in each case the fee and tax required shall be reasonable and uniform under like conditions, and shall be determined by the character of the business, the value of the stock, the number of employees, and like considerations; and the applicant for such license may be required by the mayor to file with him a sworn inventory, list or statement of the kind of goods, wares or merchandise to be sold, the fair cash retail value thereof, the method and manner of such sale, and the number of persons who are to assist in any way in the conduct of said business.

(b.) That subject to said minimum and maximum fees and taxes, subject to a reasonable variance warranted by the character of the business, number of employees, etc., three per cent. of the fair cash retail value of such stock, and of any additions thereto, shall be taken as the measure for determining such license fee and tax.

(c.) If any such goods, wares or merchandise are sold at auction, 25 per cent of the amount of the foregoing license fees and taxes shall be added thereto, and the auctioneer conducting said sale shall be required to procure a license therefor as provided in ordinance No. 217.

(d.) Every person, whether owner, agent or employee, who shall temporarily place any goods, wares or merchandise in any building, car, tent or other structure in said city for the purpose of sale thereof or therefrom, shall be construed and considered a transient merchant within the meaning of this ordinance.

WHAT IS A SHIPMENT?

Mr. Justice Van Devanter, of the United States Supreme Court, recently delivered an opinion in a case which hinged upon the interpretation of the word "ship" as used in section 240 of the Federal Criminal Code (U. S. Comp. Stat. 1913, § 10,140). The question was raised originally in the United States District Court (Kan.) on an indictment under the above act, "making it a punishable offense knowingly to ship from one state * * * into any other state" intoxicating liquors not properly labeled.

The goods in question were delivered to the carrier at Joplin, Mo., for transportation to Cherokee county, Kan., where the indictment was returned. A motion to quash the indictment was sustained on the ground that the offense was complete when delivery was made to the carrier, and that therefore the courts of Missouri only have jurisdiction.

In reversing the judgment the Supreme Court holds (United States v. Joe Freeman, 36 Supreme Court Reporter, 32) that to ship a package is to accomplish its transportation by a common carrier, and is a continuing act, whose performance is begun when the package is delivered to the carrier and is completed when it reaches its destination.

BITULITHIC STANDS THE TEST

Rome, N. Y.—As usual after the winter season, a great many repairs will have to be made to the brick and other pavements as soon as the weather will permit. They show the effects of wear and tear and from the action of the frost which gets in through the many cracks and heaves the pavements. There is a strong object lesson between these kinds of pavements and bitulithic, the first mile of which was laid in North James street 13 years ago. In spite of the very heavy traffic over that street to the plant of the Fort Stanwix Canning Company, the fair grounds, Oneida County Home and Hospital, this pavement is practically as good to-day as when laid. The other pavements have been a source of expense, while the bitulithic has cost nothing, Rome having standardized on this, and nothing but bitulithic has been laid in this city since 1904. As Mayor H. C. Midlam said in his last annual message to public in the Common Council: "The confidence of the bitulithic pavement is fully justified." Of the many miles of this pavement here, there is not a crack in any of it.

Probable Results of Legal Regulation

R. B. Howell, General Manager Metropolitan Water District, Omaha, Before League of Nebraska Municipalities

CORPORATIONS WANT STATE CONTROL

They tell you we ought not to have public ownership because our municipalities are incapable of managing their affairs. Of course what I am going to say is not applicable to your smaller municipalities, but when you reach a municipality of the size of Omaha—even of Lincoln—this is true, that the deleterious influence that pervades that city is almost entirely due to the public service corporations and their desire to run their business without interference. They make our governments rotten and then they point to their job and say, for that reason you ought not to have public ownership.

There is a movement upon foot at this time, as I have suggested, to place in the hands of the state railway commission every public utility in the state of Nebraska. Governor Morehead in his message two years ago recommended such an act to the legislature and it was only when he found that it was a hot poker that he let go of it. That isn't the first time it has appeared in the legislature; that is about the third time it has appeared in our legislature and it is going to appear this coming winter. If possible every municipality in this state is to be bereft of its present authority over its public utility corporations and I want you to know something about what this means in actual practice so you can determine in your own mind whether you think we ought to still fight for home rule or let this matter go by default.

The one great argument that has been made in favor of state regulation has been the state of Wisconsin, to which the finger has been pointed as an example of what state regulation means, and I feel that everyone here ought to know, and that you may know, I am going to take up a few cases, specific cases in connection with the state or public utility commission of Wisconsin, because if that has proved unfair, if that has been ashes in the hands of the people and a means of control rather than of the exercise of right, you

may know what has occurred in other states, because they have probably done the best in Wisconsin of any state in the Union.

RESULTS IN WISCONSIN

It has been found in Wisconsin that Wisconsin cities and the public generally have asked the Wisconsin commission in charge of public utilities for reductions in thirty-nine cases. Substantial reductions have been granted by the commission in but three cases, and small or nominal reductions in eight additional cases; this is out of thirty-nine requests by the municipalities. Public service corporations of Wisconsin have asked the commission for an increase of rates in fifty-two cases; substantial increases have been granted in forty-three cases and small increases in seven additional cases; in other words some increase has been granted in nearly every case where it was asked, and some granted when they were not asked. Cities or the public have asked for better service in thirty-two cases, better service was ordered in twenty cases, in some cases conditioned on increased rates. Citizens or cities have asked relief in ten cases, which has been granted in five cases. To explain the results in another way, the public was successful before the Wisconsin commission to a substantial extent in but seven per cent of cases brought by them and were given but slight relief in twenty-nine per cent. Public service corporations were successful to some extent in more than ninety-six per cent of the cases brought before the Wisconsin commission and fully or substantially successful in more than thirty-two per cent. They got the charges they asked for in this per cent of all cases brought. In the term of five years during which the public service charges have been in the hands of the commission it is surprising that the trend of the Wisconsin charges should have been uniformly upward.

Now to be a little more specific. Regulation by the state has been admittedly a failure in Milwaukee; admitted by even some of its

stauncest friends. The commission has moved with exceeding slowness and its remedies too often have been inadequate and generally unfair to the public.

The Milwaukee gas case ought not to be passed in this discussion without some reference to the commission's methods in valuing the company's property. The basic factors used in reaching this result was the usual cost of reproduction of the property and in this the commission included liberal overhead charges, large allowances for house piping and services originally put in free as a means of securing business, going value and finally an allowance for unusual engineering foresight. They actually put in an allowance for unusual engineering foresight. The Milwaukee Gas Company with good business judgment adopted a method used all over the country, the effect of which was to make a saving in the cost of operation, and which was simply using a small size pipe and forcing the gas at a pressure of ten pounds through the pipe instead of using the four inch or two inch pipe. That was the unusual engineering foresight. Three years ago I was in New Jersey and they pointed out to me a number of turbines connected with the mains and being used for the very purpose of sending the gas under pressure through the mains.

Now again in making the water rates. Now remember this is by the state railway commission of Wisconsin, that has been hailed as the great and shining light of state regulation of public utilities. At the time the Wisconsin commission published its order adjusting the gas schedule in Milwaukee fear was expressed that this meant similar action in water rates, and as a matter of fact the state railway commission of Wisconsin had under consideration at that time the schedule of water rates in the city of Milwaukee and they finally sent an order to the city officials in charge of the water plant directing that this schedule of rates be put into effect upon a certain date and suggested to them that nothing be said about it until it was put into effect. That schedule of rates did not reduce the rate to small consumers but reduced it as to big consumers, which consisted of three railway companies, the gas company and four breweries. The city officials went to work and published the facts at once and there was an uprising in Milwaukee

and the state railway commission withdrew the order and it has never been heard of since.

EXPERIENCE OF MADISON

I have spoken of the city of Milwaukee, now I am going to take up Madison, and see what they have had and what any town in this state can expect if we have legal regulation. Madison is a city of 25,000 and has about reached its limit industrially under present conditions. Its principal support is the University of Wisconsin with several thousand students and the need of bringing in new industries is felt, but notwithstanding an offer from the Southern Wisconsin Power Company to deliver electric energy to the city limits at one cent per kilowatt hour, the Madison Gas & Electric Company backed by the Wisconsin commission and an indeterminate permit is master of the situation. Giving service from an antiquated steam plant this company has been charging the city of Madison twelve cents per kilowatt hour maximum rate, with an average rate of eight cents per kilowatt hour, and have held back the progress of the city. The Wisconsin commission recently ordered a reduction in rates to ten cents maximum. Hopeless of securing adequate relief the business and professional institutions of Madison joined together and employed a secretary at \$5,000 a year, having raised a fund of \$200,000 and began a campaign to boost Madison. The first thought was for cheaper electric power. But a permit from the Wisconsin commission is necessary before the city can enter into a contract with the other company. The Wisconsin commission is not enthusiastic and the permit is not forthcoming. That is control by the state railway commission. At Baraboo they have had practically the same experience.

SITUATION IN NEBRASKA

This is the condition that has arisen in these states where the public has been helpless. That is why all the public utility corporations are trying to put the bill through in this state. I should not take the time to go into these details, but I feel that this is one of the most important things before the municipalities in the state today, and I think you people ought to know about it, ought to be prepared because this is going to come around like a sugar plum, they are going to show all the advantages. I tell you this is the

time you ought to be more active, as they have tried it three times and you know what the effect is, they tire the people out after a time.

I have shown you what you get if we have state railway commission control of public utilities. You have full control now, they can't touch you—we have the telephone under the state railway commission control—but they can't touch you now, but if you give up this right, it is municipal freedom that you will give up, if you allow the state railway commission to get control of public utilities in your community.

I am going to tell you about the indeterminate permit, because it is the most discussed feature in legal regulation. It is the one big single thing; it is the feature of state regulation which appeals most strongly to the public utility corporation and for its inclusion they have always fought. It was upon their urgent insistence that its provisions were included in the Wisconsin act. If it was not included they declared they would beat the bill. It is a provision of the act as originally written which gave the privately owned utility the right to surrender its franchise, its contract with the municipality and accept in lieu thereof a permit from the state which insures to it, a right to operate in its field under regulation by the state without a time limit. In other words a perpetual franchise. That is what the indeterminate permit is, a perpetual franchise; just the kind of franchise the electric light company has got in the city of Omaha.

You know under our law no franchise can be obtained in a city like Omaha without a vote of the people. I had something to do with the passage of that law. The water company was trying to get an extension of their franchise; the mayor vetoed it, but the city council went out the first of the year 1897. The new council came in and the water company got busy with that council at once and we got busy with the legislature. They were trying to put through a new franchise and we were trying to put through a bill in the legislature to provide that no such franchise should be granted without a vote of the people. We got Governor Holcomb out of bed one night just fifteen minutes before twelve and he signed the bill. They passed the franchise after twelve o'clock and we had to go into court, and the court upheld the bill, the law.

You cannot now grant a franchise in Omaha except by a vote of the people.

DANGER OF VESTED INTERESTS

The electric light company had no franchise after a certain time. They said to the city council, "Please we want to put up some conduits in your streets". The city council said all right, go ahead. After they got the conduits in they said we have got a perpetual franchise now; we put these in and our money is invested and we have a right to use our conduits and stay here in perpetuity. The people of Omaha said you haven't, so they went into court. The lower court said no you haven't; they appealed to the court of appeals, three judges sat, and the judge who wrote the opinion said it would be unconscionable to think that they had obtained a franchise without a vote of the people of Omaha. They went to the supreme court of the United States and the Supreme Court of the United States said, no, you haven't got a perpetual franchise, but the conduct of the city has been such that the city is estopped from denying that you have a perpetual franchise. So they have got a perpetual franchise in the city of Omaha. Did you ever stop to think what a perpetual franchise means? In that connection I am reminded of a story. Bobby was a good little boy who went to Sunday School, and the old deacon said to him, "Bobby do you know what eternity means?" Bobby said, "Yes sir". Of course he didn't. The deacon said, "Are you sure you know what it means?" Well Bobby didn't know. And the deacon said, "Now if you don't conduct yourself in a proper manner you will go to that place down there and burn for eternity, and I will tell you how long that is; imagine a mountain reaching up into the clouds and made of grains of sand and imagine that a bird comes every hundred thousand years and carries away a grain of that sand, now as long as it takes the bird to carry away every grain of sand in that mountain, that is an idea of what eternity is". "Well" Bobby said, "It wouldn't be sand in hell". Now my friends remember when the last grain is gone the Omaha Electric Light Company will still have a perpetual franchise in the city of Omaha.

The indeterminate permit is subject, however, to the right of the city to purchase the property at any time with a valuation made by

the state railway commission. Just that kind of a valuation there, that is what you are confronted with. The city hasn't got anything to say about it. The city can't say to the public service corporation we are willing to do what is fair to you, and I think every public utility corporation ought to be treated fairly and I want it distinctly understood that I don't stand for any unfair treatment, but I tell you this, that somebody has got to look after the municipalities. What is the people's business seems to be everybody's business, but I tell you the public utility corporation is on the job with the highest priced men, capable of looking after their business all the time and we will have to attend to our business as municipalities if we are going to protect our municipal resources and conserve those resources for our children and our children's children. In fact I want to see better conditions while I live. There is no question but that they are going to come eventually; they are working around all the time. Conditions are far better than they were twenty years ago, far better. Some of us are trying to expedite this evolution. I would like to see some of it now. And those of us who are trying to expedite this evolution are called progressives. I am not speaking politically now, we have progressives in all parties. I want to see this evolution expedited so in our time our cities may share in this tremendous result.

OMAHA WATER WORKS

We have had the water plant in Omaha three years; we have reduced rates in that city forty per cent. The people know it. We make out our bills every month, and every month we make out our bills at the same old rate that the water company used to charge and then we charge off forty per cent in red and it says on there "Public ownership". From this statement I have here you will see what in the three years that we have owned the water plant we have saved the people of Omaha in reduced water rates and in addition, my friends, we have on hand in reserve, or had on the first day of July last, \$1,085,000. Our interest earning was \$40,000 alone and in three years what would we have had if this had been in the hands of the Omaha Water Company? Nothing. Nothing. But there is something else. You remember Omaha and its water. When you went down to Omaha and took a room with bath and turned on

the water in the tub you let the water out again, and said, "I can't see the bottom of the bath tub, I don't believe I will get in." But today you can see the bottom and you can safely take a bath.

I have taken up a good deal more time than I intended. It was not my intention to give a set paper here but just a talk along these things. Now you have often heard—I have heard it in Omaha—some influential circles in the city of Omaha are always saying that there is no real reduction in water rates in the city of Omaha. If you went to the city of Omaha and some big merchant in the city of Omaha told you that there was no reduction in water rates there you would say, "That is remarkable, I heard Mr. Howell speak at Kearney and he said water rates had been reduced forty per cent." You know some people are so prejudiced they won't even examine into things; they won't pay any attention; they just go abroad telling these stories. Just to show you there has been a reduction I have another showing to make. We went to work—the stockyards and packing houses were only paying four and a half cents, and they were located twelve miles away; we went to work and boosted the stockyards and packing houses and shoved down the other rates. It made the packing houses and stockyards very bitter opponents, and very bitter personally as far as I am concerned. Now we have subtracted from the total amount of metered and unmetered water what was used by the stockyards and packing houses and divided by the other services, and that shows the average charge per service in the city of Omaha. I have this for a number of years. I happen to have it as far back as 1907. Now this is the charge. In 1907 the Omaha Water Company collected \$19.80 for service; in 1908 they collected \$20.11 for service; in 1909, \$20.05; in 1910, \$20.67; in 1911, \$21.22; in 1912, \$21.88. You see the amount collected was gradually rising.

We took possession of the plant at the end of that year, July 1, 1912; at the end of 1913 the rate had dropped to \$18.67; at the end of 1914, \$17.78; 1915, June 30th, to \$15.62; and on January 1st. it was \$15.31. In other words the last year the water company owned the water plant the people of Omaha paid \$21.88 per service; for the last year the people paid \$15.31 per service, and there are 30,000 services in the city of Omaha.

First Proportional Representation Election

By A. R. Hatton, Professor of Political Science, Western Reserve University

Has Ashtabula shown the way to the final type of city government on this continent? There is more than a fair chance that she has.

Ashtabula chose a charter commission under the Ohio home rule amendment early in 1914. The commission elected was favorable to the commission-manager plan of government with a council elected at large.

Already, however, the objection had been advanced in Ashtabula that a council elected at large in the usual way would probably represent only one party, and that this was not desirable if the council was to choose the manager, who was expected to be a permanent expert non-political official.

The man who had brought this idea to Ashtabula was C. G. Hoag, General Secretary of the American Proportional Representation League. Mr. Hoag was invited to address the Charter Commission at its first formal meeting. On that occasion he again proposed, as a way out of the difficulty, the election of the council at large by proportional representation. Several members of the commission accepted the idea as sound in theory. One of them, Mr. W. E. Boynton, an engineer on the Lake Shore railroad who had previously been president of the city council, embraced the proposal with enthusiasm, thoroughly acquainted himself with the proportional system, and became the devoted and efficient leader of a campaign for its adoption by Ashtabula.

The commission finally rejected proportional representation as a novelty likely to jeopardize the acceptance of the charter as a whole when submitted to the voters. As submitted in November, 1914, the charter provided for a council of seven, nominated by a 5 per cent petition and to be elected at large in the usual way on a non-partisan ballot. This charter was adopted.

Although Mr. Boynton is quiet, he is persistent. He at once set about to initiate his proportional representation amendment to the

new charter. This amendment was voted on in August, 1915, before the first election of the council.

Though the vote was light, proportional representation carried in all but five of the fifteen precincts of the city. It was under this amendment that Ashtabula elected its first council under the new charter.

WHAT IS PROPORTIONAL REPRESENTATION?

The theory of proportional representation is that each considerable party or group of opinion should be represented in the council or representative body in proportion to its voting strength. Thus if, in an election at which seven representatives are to be chosen, the Democrats cast four-sevenths, the Republicans two-sevenths, and the Socialists one-seventh of the vote, those parties should be represented in the council by four, two, and one representative respectively.

If the division of opinion is not along party lines, the divisions should nevertheless be represented in proportion to their voting strength.

In Ashtabula the lines of division in the recent election had little to do with national parties except that there was a Socialist group. There was first the question of local representation. The Harbor district lies at some distance from the city proper. Under the old ward plan this district had always been represented by one member of the council. Under the usual plan of election at large it would probably not have been represented at all. Then there is in Ashtabula the question of nationalities. The city has a large foreign element, the chief groups being Irish, Italians, Swedes, and Finns.

The voters are also sharply divided on the liquor issue, the city swaying first to the dry and then to the wet side. Finally, there is the question of adequate representation for the substantial business element of the community. It will be interesting to note the extent to which these various groups and interests secured representation at the recent election.

There are several plans of proportional

representation. That adopted is the Hare plan.

There are seven members of the council to be chosen. The candidates get their names on the ballot by filing a petition signed by 2 per cent of the voters. No voter can sign a petition for more than one candidate. The ballot has no party marks. The voter marks his preferences for as many candidates as he pleases, the figure 1 for his first choice, the figure 2 for his second choice, etc. Though any number of preferences may be marked, and though seven members are to be elected, no ballot can be actually counted for more than one candidate. In order to be elected a candidate does not need a majority, or even a plurality of all the votes, but only a trifle more than an eighth of them.

To determine the number of votes necessary for election to the council the total number of valid ballots is divided by eight, and the whole number next higher than the quotient thus secured is taken as the number of votes required to elect. This number is chosen because it is the smallest whole number that can be taken seven but not eight times from the total. In other words, it would be possible for seven candidates to get that many votes out of a given total but eight could not possibly do so.

In Ashtabula the total number of valid ballots cast was 2,972. This number divided by 8 gives a quotient of $371\frac{1}{2}$. The next whole number larger than this quotient is 372, and this was therefore the number of votes required for election. The number so established is known as the "quota" or constituency.

One candidate, McClure, received more than this number of first-choice votes, namely 392. The extra 20 ballots, taken from his ballots at random but equally from the ballots of each precinct, were transferred to second-choice candidates, each one in accordance with the instructions given by the voter's figures on the ballot. For example, 11 of these 20 ballots were transferred to McCune because on them McCune's name was marked with the figure 2.

Next, the candidate having fewest votes was declared defeated and out of the count, and all his ballots were distributed to other candidates in the same way. This done, the candidate now lowest was declared defeated and out, and his ballots transferred. And so the count proceeded until all the ballots except an odd remainder

found their way into one or another of seven surviving piles.

An abstract explanation of the process gives an impression of great complexity. When it came to the actual work of the count, however, no trouble whatever arose. Although the board of election had had no previous experience with such a system and was without proper office equipment for handling such a ballot, the transferring of the ballots and the tabulation of the vote was accomplished in about three hours. At no time were the officials in serious doubt concerning the steps to be taken.

* * *

With one exception the seven standing highest on first-choice votes were finally elected the exception being Mr. Rinto, a young Finnish lawyer. McCune, Hogan, Briggs, and Corrado, four of the successful candidates, are members of the present city council. The other three candidates who are members of the present city council were defeated.

How well do the men chosen represent the city? McClure is manager of a department in one of the large stores. Hogan is one of the leading physicians of Ashtabula, McCune is a greenhouse man, Gudmundson assistant cashier of a bank in the Harbor district, Earlywine clerk and paymaster of a large ore company, Briggs a newspaper man, and Corrado a saloon-keeper.

The business element may be said to have three representatives. The Irish, Swedes, and Italians each elected a member. The Socialists elected one member, and the Harbor district is represented. On the liquor issue, three of the successful candidates are pronounced drys, three are classed as liberal, and one as very wet.

In general, the opinion in Ashtabula seems to be that, taking both quality and representative character into consideration, a better choice could hardly have been made from the list of candidates. It is generally agreed that the new council will contain more ability than the present one elected on the ward plan, and that it will also be more representative of the entire body of the voters.

I think it may be said that Ashtabula has shown other cities the way. They have been shown how to elect a council in a manner to provide equitable representation to all parties and interests; a plan under which the majority will

control while the minority or minorities will have representation in proportion to their actual importance.

Under the Ashtabula system we may expect the quality of the council to improve. When groups of opinion come to understand that if they have a little more than one-eighth of the vote they cannot be denied representation in the council, their ablest representatives will be willing to become candidates. Men of high professional and business ability will stand for election to the council because they will be sure that if they really represent their element they will win. Gerrymandering and a large measure of political jockeying and wire-pulling will disappear. Parties will be obliged to find a basis on principle rather than largely on patronage, as is the case at the present time.

The manager-plan opens the way for permanent, expert service in city administration and for the elimination of politics from that part of our municipal governments. Proportional representation will provide a council which may properly be allowed to choose a city manager—a council which is truly representative, the members of which stand for policies and the fundamental interests of the community rather than for a more or less artificial party organiza-

tion.

Ashtabula has a short ballot, the manager-plan, and a council chosen by proportional representation. That is the latest word in city government, and as yet no one has arisen to suggest that anything further can be said.

From the Ashtabula "Beacon", November 5, 1915.

Proportional representation has been demonstrated and found better than expected.

In analyzing the results we find that all sections and factions are represented in the new council. There are two from the first ward, one from the second, two from the third, and two from the fourth. Three from the Harbor and four from uptown. One from the east side and two from the west side at the Harbor. One from the west end, one from the south end, and two from the central portion of the uptown section of the city. Four of the old council were re-elected.

The drys and wets are represented. The Protestants and Catholics, the business, professional and laboring men, the Republicans, Democrats, Socialists, the English, Swedes, and Italians are all represented, while there were more divisions than places.

It would be hard to select a more representative council in any other way.

The Good Roads Problem

By Geo. E. Johnson, State Engineer of Nebraska

I have been invited by several commercial clubs and good road organizations to speak on the subject of good roads, but as all of my time is taken up performing the duties of my office, I take this means of expressing my views on the subject.

"As all taxpayers in the state would be benefitted by a system of permanent roads, I will attempt to discuss the kind of construction that should be used on the different roads and the benefits received by same.

"Hard roads would pay in some localities, and only well graded roads in others, and it is simply a question of the amount of travel, and the size of loads hauled, compared with the cost

of construction and maintenance that decides the kind of road that should be constructed.

"The cost of construction per mile varies in different parts of the state, owing to the difference in freight rates, the distance the material is hauled and the amount of grading to be done.

COMPARISON OF ROAD COSTS

"I have figured on improving several roads in the state, and find that the average cost of constructing one mile of monolithic brick surface paving, sixteen feet wide, would be \$15,000. Where clay and gravel roads can be used the average cost of construction would be \$1,000 per mile; and well graded roads, \$200 per mile.

"The cost of maintaining such a brick

surfaced road in continuous service would be \$200 per mile per year; the cost of depreciation and maintenance of a clay and gravel road would be \$50 per year; and \$25 for the graded road.

"A team that can haul 3,000 pounds over an ordinary road, could haul 3,500 pounds over a well graded road, 4,000 pounds over clay and gravel road, and 7,000 pounds over brick road. On long hauls, freighting is usually done at one cent per mile per hundred, but for short hauls, such as a farmer makes to and from town, it usually costs 25 cents per ton over ordinary roads. By hauling the amounts I have heretofore stated, on different classes of roads, this would make a cost of hauling over well graded roads 21.4 cents per ton mile; over clay and gravel roads 18 cents per ton mile; and over brick surface roads 10.7 cents per ton mile. This would make the cost of hauling over brick surfaced roads 57 per cent less than hauling over ordinary roads.

ROADS PAY FOR THEMSELVES

"Our records show that the average travel on our main country roads exceeds one hundred vehicles per day. Let us take a road for illustration, that has an average travel of 100 vehicles daily, out of which 15 are loaded, each conveying 3,000 pounds. Then let us bunch the rest, and say that the advantage of good roads to the other 85 is the same as the 15 loaded. This would make a saving, by having graded roads, of 5.4c per loaded team mile, or 81c for the 15 loads. Adding the benefits received by the 85 conveyances, gives us a total benefit per mile of \$1.62 per day, or \$591.30 per year. If the road was surfaced with clay and gravel, and the cost of marketing the 15 loads reduced from 25 to 18c per ton, the saving would be \$3.15 per day, or \$1,149.75 per year; and in like manner, the saving by having the road surfaced with brick pavement, over which 100 teams pass daily, would be \$6.43 per day, or \$2,348.78 per mile per year. After you subtract the \$200 for depreciation and maintenance, you have a saving by having a brick surfaced road, of \$2,148.78 per year, or in other words the road will pay for itself in seven years.

FARMER SAVES VALUABLE TIME

"Too many a farmer is taking two weeks to haul his grain or hay, or hogs to market, when with a well paved road he could do the same amount of hauling in less than one week, and

could put in the rest of the two weeks on his farm, instead of paying out hard earned money for more help, and paying out more in a few years than his share of the taxes that the paved roads would come to.

"In the past, the farmer has paid 75 per cent of the cost of road maintenance, when it is conceded by a large majority of people that the automobile at present receives 50 per cent of the advantages of good roads. I believe that we should work out a system of taxation where all would pay as near as possible according to benefits received. In Europe, they raise a larger portion of this money by a vehicle tax. Their auto tax is from three to four dollars per horse power, per year. Our neighboring state, Iowa, has a tax of 40 cents per horse power.

AUTO TAX AND STATE AID

"In my opinion, we should tax our automobiles 50 cents per horse power, and place this money into a special road fund in each county, where the taxes are collected. As there is at present 1,500,000 horse power represented in the automobiles in the state there would be collected a total of \$750,000 per year from this source.

"We should also make a state levy of two mills, place this money in a state aid road fund, and disburse to each county an amount equal to that collected by them from the special automobile tax.

"There are a few who would object to any tax of this kind, as half of our population are living in the cities, but they must be fed by the products from the country, and thus the cities are directly concerned with the conditions of the country roads.

FAVORS HIGHWAY COMMISSIONER

"In order to perfect an efficient and co-operative administrative organization the county commissioners or supervisors of each county should be required to appoint a highway commissioner. In parts of the state where a county could not keep a commissioner busy, two or more counties could appoint the same commissioner.

"The very fact that all other agencies have proven inadequate and that the experience of other states has demonstrated conclusively to them the necessity for participation by the state government must convince us that to longer delay state participation is to evade a serious and unmistakable responsibility."

Civic Co-operation in Chicago

The plan of the Industrial Club of Chicago for Civic Cooperation proposes to make it possible for a large body of citizens, volunteering for that service but without expense to themselves, to be known as Civic Cooperators, and to assist and work with the authorities of the city in an agreed and definite manner in endeavors to secure observance of laws and ordinances relating to health, sanitation, fire prevention and police protection.

Each Cooperator undertakes to observe these laws and, by example and suggestion, to endeavor to bring about their observance by others and for that purpose to assist and as requested to report to or call upon representatives of the police, health, public works or other city departments. A Cooperator may call upon neighbors to assist in bettering conditions in a specified block and such community team work in this unit area should, with the aid of police and other departments, do much to correct abuses which small in themselves often bring about uncontrollable conditions.

Each Cooperator will be furnished with a recorded card of credentials signed by the Mayor, Commissioner of Health and by the chairman of the Civic Cooperation of The Industrial Club.

Cooperators will be furnished with a summary of the city ordinances, relating to sanitary conditions and regulations of streets and alleys and for police protection, in sufficient detail to furnish required information and instructions regulating their action and from these sources it will be possible to learn the specific matters upon which action may be reasonably taken in respect to many conditions affecting public welfare, such as deposit of dirt or litter in streets or public places, regulations affecting sanitation or contagious diseases, fire prevention, smoke abuses or police protection and which, in the interest of the community, should be corrected.

In practice it is believed that the plan may be developed to work as follows: A Cooperator, observing, for example, a deposit of garbage or ashes which is unlawful may report the

matter to a policeman, identifying himself by his card of credentials, and ask that the situation be corrected. The policeman is instructed to call upon the offender to observe the ordinances and see that this is done. If a policeman is not at hand, the situation may be reported by mail or, if an emergency case, by telephone to the representative of the police department at the district headquarters. These officers are instructed to receive such reports and see that the unlawful condition is remedied. If the matter is one involving departments not directly represented in the district, such as sidewalk conditions, fire prevention, sewers, water supply, etc., the policeman or authority at the district headquarters to whom the matter is reported will make further report to the department indicated at the city hall. In making a report by mail or telephone the Cooperator will identify himself by name, address and card number, and will be held responsible for the necessity of the report made. If such report is made to a policeman and no attention is paid to it, the Cooperator is requested to make report of this fact to the chairman of Cooperators in his district. This chairman is expected, in turn, to take the matter up with the police captain or lieutenant in the district or with the health inspector. If no attention is then paid to the complaint the chairman will make report of the occurrence in writing to the chairman of the Civic Cooperation Committee of The Industrial Club, who in this respect will act as a general chairman of the cooperative forces. The general chairman has been requested to bring such a matter directly to the attention of the mayor or to the heads of the Police, Health, or Public Works departments as they may be concerned.

The endeavor is made in the plan, therefore, to provide a means whereby unsanitary or unlawful conditions may be promptly reported and local correction is applied and if no correction is made to forward the matter on authoritative lines to the heads of the city government. Opportunity is also afforded for Cooperators, combining with neighbors, themselves to bring about better conditions in a block or neighborhood without making

it necessary to go to authority of any kind to secure correction.

While the attention of Cooperators is expected to be directed particularly to the blocks in which they reside, it is not confined to this area, but reports of unlawful conditions in any part of the city may be made to a policeman or to the station in the district in which such occurrences are noted.

The privileges of the Cooperator must be exercised in all cases with care and conservatism, having in mind the fact that conditions may necessarily exist in one location which could not be tolerated in others. For example, the method of handling perishable food, in some locations, under present conditions requires the use of sidewalk space which could not be tolerated outside of certain market districts. In other situations the local community needs are best served by push-cart vendors occupying street and sidewalk space which could not be allowed elsewhere. While the conditions surrounding these and similar practices may

be improved, the methods themselves could not be arbitrarily stopped without unnecessary hardship.

The Civic Cooperation Committee of The Industrial Club wishes to make it clear that it is endeavoring to set up a plan for cooperative, constructive team work by citizens who desire to improve the conditions around them. It is not for fault finding or meddlesome interference of any kind; the Cooperator is given a privilege which, if carefully used, may be made the means of great benefit.

He is not given an authority.

Believing that the plan affords a non-political, practical opportunity for widespread and continuing effort which will bring about improved conditions, the club invites citizens in every part of Chicago to join in this work and to sign the applications, and forward them to the office of this committee. Every good citizen is invited to become a Chicago Civic Cooperator.

Clippings From Rate Research

GOING VALUE OF UNPROFITABLE COMPANY

In regard to going value, the Missouri Commission in a recent case says:

"There is no doubt that a public utility with an investment of over \$1,500,000 in successful operation and earning a reasonable return has and ought to have a value in excess of the actual cost of the physical property. A plant thus in successful operation would certainly have a value in excess of such cost on the market. And even if such a plant were not successful, solely because of unreasonably low rates being imposed upon it by a rate-making body, a value above that of the physical property should, notwithstanding, be allowed to it in a rate-making case. However, we are valuing the property of a company whose rates were voluntarily made and put into effect by the company itself without restriction or regulation in that regard by the state or municipality, and whose business, according to its own showing, has been unprofitable each year for a period of almost ten years. It is needless to say that such a property is not a desirable investment and does

not have a market value above cost of the physical property. That this condition is not due to mismanagement of the plant, but rather to the fact that natural gas was unexpectedly brought to the city of St. Joseph, does not alter the situation. The fact remains that we find the property under voluntary rates unprofitable and without any value above that of the physical property, and, in our opinion, the Commission would not be authorized in a rate-making case to add a value as a going concern that does not in fact exist.

"As to the item of 'cost of developing the business,' based upon the estimated losses of the company . . . it is sufficient to say that we are valuing the property of the company actually used in the public service. Losses and deficit are not property and cannot be valued as such."

TELEPHONES AND RAILROADS

Citizens Telephone Company v. Missouri, Kansas & Texas Railway Company et al. Complaint Regarding Public Telephone Facilities in Depot. Decision of the Missouri Public Service Commission, Requiring That Telephones of Two

Competing Companies be Furnished. January 6, 1916.

Two competing telephone companies are furnishing service in the village of Holden, and the commission finds that in this case, in order to furnish adequate facilities to the public the railway companies should install the telephones of both companies in the depots in the city. In the course of the investigation the commission finds that the competing companies are discriminating in that stockholders are furnished service at a lower rate than other subscribers and that certain patrons are enjoying free and reduced rate service. The companies are ordered to discontinue such unlawful and discriminatory practices.

INVESTMENT AND METER DEPOSIT CHARGE

Citizens of Roundup and Klein v. Roundup Coal Mining Company, Complaint as to Rates for Electric Service. Decision of the Montana Public Service Commission, Fixing Rates. March 9, 1916.

On behalf of the complainants, evidence was introduced showing comparisons between the electric rates of the respondent company and rates in various other municipalities in the state, without any concrete evidence as to the similarity of conditions. The commission says:

"No testimony is more dangerous or misleading than such comparisons used as a basis for rate making. It is impossible to find two producing plants in which the elements of cost are all identical. Such comparisons might indicate an unreasonable rate in a general way, if the rates were far apart."

It is the practice of the company in this case to require, upon the installation of a meter, a \$10 deposit as a guarantee that the meter will not be injured and that the account will be paid. The sum of the deposits on hand practically equals the value of all meters owned by the company. The value of the meters installed is included in the value of the plant and, consequently the company has been earning a return upon the capital furnished by the consumers. The company has not paid any interest on the meter deposits required. The commission says:

"The practice of charging a deposit for meters is not in accordance with the rulings of the commission. A utility will be permitted to require a deposit or guarantee equal in amount to one and one-half times the average billing period

bill, as security for the payment of accounts for electric current furnished, but under no consideration will a utility be permitted to require a meter deposit. Interest must be paid on consumers' deposits, at the rate of 6 per-cent per annum, providing deposits are left with the company six consecutive months or more; also providing that the customer has used service continuously during the period."

CITY AND COUNTY CONSOLIDATION

The council of the National Municipal League at its meeting in New York on April 19, approved the recommendations of its committee on city and county consolidation, which were presented in the following form:

"The whole problem, we are convinced, is of utmost importance to the future of American cities. Aside from the obvious economies of a single local government as opposed to two or more, it seems essential that the future development of large centers of population should not be hampered by conflicting policies of a double or multiple system of local governments.

"It is clear, moreover, that perils which continually threaten the population of urban communities, such as fire, crime and contagious diseases, constitute unified administrative problems, which are co-extensive with congested areas. It would seem essential that the control of these perils should be a unified one and that too much reliance should not be placed upon a spirit of co-operation between different units.

"Your committee, therefore, recommends active effort on the part of the National Municipal League to do away with county government where city and county limits coincide, and to confer upon the appropriate city offices and departments any necessary powers, duties and responsibilities of county government that are not duplications of already existent city functions."

Public Service Electric Company v. Board of Public Utility Commissioners et al. Decision of the Court of Errors and Appeals of New Jersey. March 6, 1816. 96 Atlantic 1013.

The Court affirms the decision of the New Jersey Supreme Court (reported in 7 Rate Research 90), which set aside the order of the Commission in the case, City of Plainfield v. Public Service Electric Company, April 1, 1914.

The company entered into a contract with the city to furnish all energy for municipal light-

ing purposes free of charge, in consideration of the city's granting the company the right to erect and maintain a distribution system in the streets. Subsequent to the passage of the Public Utilities Act, the company notified the city that it could not lawfully continue the free lighting service. Complaint on behalf of the city was made to the commission and the commission rendered a decision requiring the company to comply with the terms of the contract.

The court holds that, when the Board of Public Utility Commissioners assumed by order to direct the company to perform the duties imposed upon it by the agreement, and to furnish free of charge to the city of Plainfield such service as the agreement provided for, the Board went beyond the powers conferred upon it by the act creating it and prescribing its powers, and in effect ordered the specific performance of a contract, an equitable power exclusively inhering in the court of Chancery (Pom. Eq. Jur. [3rd Ed.]

Section 138), and which is part of the jurisdiction confirmed and guaranteed to it by the Constitution of 1844.

In regard to the effect of the passage of the Public Utilities Act upon the validity of the contract between the city and the Company, the court says:

"The language of the statute against unjust discrimination and unreasonable preference is that they 'shall' not be made or given, and there is no language indicative of an intent on the part of the Legislature to make provision that contracts already in existence shall come under the ban of this prohibition.

"It is perfectly clear that the statute is without retroactive effect, and that it cannot operate upon the contract of 1898, which, concededly, was lawful when made. There is therefore no question in the case as to the state's power to impair or abrogate a contract to which a municipality or the public are parties."

Nebraska League News

Edited by Roscoe C. Ozman, Secretary, League of Nebraska Municipalities

ALLIANCE LEADS

Over five miles of cement sidewalk has been ordered laid on the residence streets of Alliance this spring by the city government. More orders of a similar nature will be issued and it is expected that by the end of the year that there will be a great change in the sidewalk condition in that city.

The Alliance city council at their last meeting awarded the Nebraska Construction company, of Lincoln, the contract for Alliance's new cement reservoir. This firm was the lowest bidder, their bid totaling \$8,715, and calls for the completion of the work by the 1st of August.

HUNT OIL AND USE OIL

Satisfactory arrangements have been made by the Admore Oil Company so that work of sinking the test well for oil near Ardmore across the line from northwest Nebraska will be continued. The directors and stockholders of the company are still confident that oil can be secured at that point.

The city council of Red Cloud this week purchased a fuel oil engine for their electric light plant. This engine will be used in connection with the dynamo steel engine now in operation and will furnish power and light for Red Cloud eighteen hours of the day.

Drilling for oil is going on in several other points over the state. A company has recently been formed at Stromsburg and have already gone some 800 feet in search of oil. Another drilling outfit just out of Cambridge has reached a depth of over 1,000 feet and are following strictly to the geological survey in the hope of finding oil at that point.

GAS LOWER

The city council of Fremont has passed an ordinance reducing the price of gas in that city from \$1.75 to \$1.35 a thousand.

CITIES EXTEND BUSINESS

The people of Plymouth, Daykin and Western are figuring on a plan to connect up with the Fairbury municipal light plant and

secure electric light for their towns through a cross-country.

The Intermountain Railway & Light company have just completed the transmission lines running to Funk, Wilcox and Hildreth, and service is given to these towns from Holdrege as a center.

The contract has been closed between the village of Minatare and the Intermountain Railway, Light & Power Company of Scottsbluff through which contract a line will be run from the light plant at Scottsbluff to Minatare and a twenty-four hour service will be furnished Minatare by the lighting company. The same company is planning to extend its line on to Bayard.

The town of Stella has voted \$8,000 in electric light bonds and the board will now establish an electric light plant or else use the fund for putting in a transmission line.

A large municipal band has recently been organized in Hastings, to be supported by the city, and all-summer concerts will be given when the bandstand is finished. Nebraska cities may levy to support public musical concerts.

CITY HEATING PLANT

One of the questions decided at the municipal election in Alliance, was the setting apart of certain city funds for the purpose of erecting a municipal heating plant. This improvement has been under consideration in Alliance for some months and it will utilize the waste steam there from their municipal plant for heating purposes in the business district of that place.

VALUABLE IMPROVEMENTS

In the new paving that is being laid in Hastings a new plan is being put into effect of carving in the curb at each intersection the names of the streets and avenues. This will mark permanently the names of the streets at each intersection.

At the city election this week, the voters of Grand Island passed upon the question of appropriating the sum of \$1,500 for the extension of the Lincoln highway west of the city. Another question passed upon was the appropriation of \$2,500 for supporting a municipal band in the city of Grand Island.

The city of Beatrice had a special election last week on the question of issuing intersection

paving bonds to the amount of \$30,000. These bonds carried by a vote of 534 to 296; the opposition was not great. This will allow Beatrice to continue to do a large amount of paving.

BONDS

The city commissioners of Nebraska City have recently paid off \$6,000 of bonded indebtedness. The city has \$100,000 of bonds which are drawing 5 per cent interest and an effort will be made to refund these at 4½ per cent. The state treasurer was asked regarding a market of this kind and reported that at present he was securing 5 per cent, but if it became necessary to invest in 4½ per cent bonds, he would give Nebraska City an opportunity.

POPULATION INCREASES RAPIDLY

The town of Scottsbluff, Gering county, has secured sufficient population to make it a city of the first class. Recently, the town was divided into four wards and a mayor and city council elected at the spring election.

FIGURES FROM LINCOLN

Extracts from the annual report of the city of Lincoln for the year ending August 31, 1915. Report compiled by Auditor Theo. Berg.

Valuations, Tax Levies, Tax Collected and Tax Unpaid.

The valuation given here, on which the levy is computed, is one-fifth of actual value.

Year	Years 1907 to 1915, Inclusive			Tax Paid October 1907 to Sept. 1, 1915	Tax Unpaid \$ 3,267.54
	Mills	Valuation	Rate		
1907	\$ 7,795,540.00	39 1/4	\$305,974.94	\$302,907.40	
1908	8,517,308.20	35	298,105.71	288,975.83	9,129.88
1909	8,843,573.42	35	309,525.07	302,442.51	7,082.56
1910	9,252,479.00	35	323,836.77	318,948.81	4,887.96
1911	9,498,467.00	38	360,941.75	354,522.14	6,419.61
1912	9,629,020.00	38	365,902.76	357,128.23	8,774.53
1913	10,100,388.00	40	404,015.52	389,974.40	14,041.12
1914	10,378,051.95	38	394,365.97	357,843.04	36,522.93
1915	10,637,223.00	38	403,940.00		

POPULATION AND POLICE FORCE

Auditor Berg's estimate of the population of Lincoln for 1915 was 52,000 and the following small police force has been found adequate.

Officers in Service

Chief of Detectives	1
Captains	2
Sergeants.....	2
Patrolmen	15
Patrol drivers.....	2
Matron	1
<hr/>	
Total.....	23

WATER DEPARTMENT

The main station of the department is located at Thirteenth and A streets, with a substation at Sixth and F streets, and one at Seventeenth and Van Dorn streets.

Six new well houses were built; one twelve-inch deep well was made and 35,969 feet of cast iron water mains were laid; 549 taps, 75 valves and 37 fire hydrants were added during the year. 1,124,102,152 gallons of water were pumped, making an average daily consumption of over 3,000,000 gallons.

All improvements made as well as the expense of maintaining and operating the department are paid out of the funds collected for the sale of water; and the department also paid \$7,899.50 interest on bonds and \$4,700.00 on bonded indebtedness.

The city has four reservoirs, three of these are at the A street station and will hold 3,800,-000 gallons of water, the other one at Seventeenth and Van Dorn streets, which will hold 500,000 gallons.

The range of pressure on the mains is 45 to 55 pounds. The fire pressure ranges from 99 to 100 pounds. The pressure can be raised from domestic to fire in three minutes.

The source of the water supply is deep wells; there are in use 93.35 miles of water mains running in size from 4 inches to 20 inches and nearly 10,000 consumers are supplied by this department. In addition to furnishing the water to the consumers, the water department furnishes free water to all city buildings, city parks, thirteen drinking fountains, the Thompson ornamental fountain, 774 fire hydrants and the water used for sewer flushing. The report of the department shows that if it were paid at the

regular rate for the free water furnished, its receipts would have been increased \$103,000.00 during the year.

All water is treated with chloride of lime for purification and a contract has been entered into for the purchase of a new and up-to-date chloride control apparatus.

A railroad switch track extension is now being built, also a brick tool house, and contract has been let for a traveling crane in the material yard.

FOREIGN DEPARTMENT BARBER COMPANY

Stanley H. Rose, until recently in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce, has been engaged by The Barber Asphalt Paving Co. to direct its foreign trade department. Prior to his appointment as commercial agent of the bureau, Mr. Rose had had an extensive business experience in the larger part of Europe, Australia, New Zealand, India and Egypt, and has also held important posts with American and European firms engaged in foreign trade. He is considered an expert in foreign tariffs, trade regulations and shipping. As special agent of the Bureau of Foreign and Domestic Commerce, Mr. Rose has just completed a tour of more than fifty cities of the Middle West, South and Southwest, acquainting manufacturers with foreign trade opportunities and advising commercial organizations as to the best methods of promoting export trade. Mr. Rose was educated in London, Berlin, Paris and Brussels, and speaks most of the modern languages. The Barber Company's export trade in paving materials, roofing and other asphaltic products will hereafter be in Mr. Rose's charge, with headquarters in Philadelphia and New York.

SEWER PRICES

On June 12th the city of Marshalltown let a contract for sewers at the following prices: six-inch forty-two cents; eight-inch, fifty cents; ten-inch, sixty cents. The contractor to furnish all material and all work to be done in first class manner.

Sunlight and fresh air in every room will prevent sickness.

Los Angeles Wild Flower Garden

By Morris M. Ratbun

Lovers of wild floral life in Southern California at last have realized one of their fondest dreams—a wild flower garden near the heart of Los Angeles. The first blooms have come to the plants in nearly five acres of Exposition park, one of the newest of the city's breathing

plant life in the state. His idea was heartily endorsed by Theodore Payne, a florist who is credited with a wide knowledge of the uncultivated flowers of California.

But little headway was made until two years ago, when the county supervisors appropriated



spots, and thousands have made the acquaintance of rare blossoms heretofore accessible only after long trips into the hills in all parts of the state.

The wild flower garden idea was born some years ago, when the park was acquired by the city. One of the most enthusiastic workers in obtaining the land was Frank Wiggins, secretary of the Los Angeles Chamber of Commerce. For years he had sought the money to carry out one of his pet ideas for the park—a wild garden of sufficient size to contain every variety of native

nearly half a million dollars for "beautifying and entertainment purposes during 1915", this being California expositions' year. A part of this fund became available and last year, prior to the beginning of the winter rains, two hundred and thirty varieties of wild flowers, shrubs and trees were planted.

The work of planning, preparing and planting was under the direction of Mr. Payne and it was literally a labor of love. He believes that California's wild flowers can not be matched

anywhere for beauty and variety. The desert, valleys, woodlands and mountains were searched for superior specimens. Journeys aggregating thousands of miles would have to be taken to view what here are gathered in five acres.

In the late spring nearly every blooming variety was in flower, making a sight dazzling to the nature lover. The garden proved of strong attraction not only to sight seers but to students of horticulture and botany. Classes from the public schools and colleges are in attendance every hour of the day. Saturday and Sunday afternoons are given over to receptions to the children. A thoroughly posted attendant is placed in charge, who explains to the children the characteristics of the different flowers.

One of the first inquiries of visitors from other cities is concerning the cost. Labor, cultivating, equipment including sprinkler system, plants and incidentals are given as less than eight thousand dollars. The verdict is unanimous that as an attraction and educational feature in a land of flowers, the wild garden is worth many times its cost.

NEW SALE PROVISION FOR NEW JERSEY MUNICIPALS

On and after the first day of next month, bids for New Jersey municipal bonds, except school district issues, must comply in form with the provisions of the new law enacted by the last legislature and known as "Chapter 252, Session Laws of 1916".

The Pierson Act aims to eliminate large premiums on the ground that no scientific method has been used in New Jersey to apply bond premiums so as to actually reduce by their amount the cost of borrowed funds. Instead, municipalities were in the habit of placing premiums in with current revenue receipts and expending such sums for current purposes.

Under the new law, which we give below, the method of bidding for bonds will be radically

changed. Here is Sub-section 2 of Section 6 of Chapter 252, in which the provision in question occurs:

"No more bonds of any issue shall in any event be sold than will produce a sum equal to the authorized amount thereof and an additional sum of less than one thousand dollars. Such bonds may be sold at one time or in installments, each of which, with the previous installments, shall mature within the terms of section three. If sold in one installment, or upon the sale of the last installment, the notice of sale shall state the sum required to be obtained at such sale, not exceeding, with the proceeds of any previous installments, the amount of bonds authorized, and that bonds will be sold in an amount not exceeding such sum, and the maturities of such bonds and the rate of interest thereon. It shall also state that unless all bids are rejected said bonds will be sold to the bidder or bidders complying with the terms of sale and offering to pay not less than such sum, and to take therefor the least amount of bonds, commencing with the first maturity and stated in a multiple of one thousand dollars, and that where two or more bidders offer to take the same amount of such bonds, then to the bidder or bidders offering to pay therefor the highest additional price."

Under this law, a city cannot offer \$100,000 1 to 15 year (serial) 5% bonds worth a 4½% basis and accept a bid of par and a premium of \$3,180 (see Rollins' table), but must advertise a sale of the least number of bonds to produce \$100,000 and the firm wishing to bid a 4½% basis will offer to take ninety-seven bonds and pay therefor \$100,000 and a premium of a few hundred dollars to adjust the price to the desired point.—The Bond Buyer

An appropriation ordinance should be passed by every municipality as this is the only way in which the expenses can be kept within the income.

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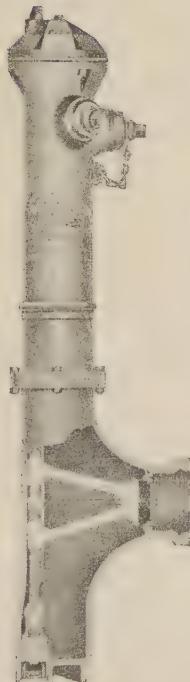
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WANTED—The city of Cresco is in the market for a motor drawn chemical engine of 80 or 100 gallon capacity. Correspondence solicited. Fred J. Hamilton, Fire Chief, Cresco, Iowa.

FOR SALE—One 10-horse power D. C electric motor, 220 volts (price \$100). 7 D. C. electric fans, 12 inch blade, \$11 each. 9 D. C electric motors, 1-6 horse power, \$12 each. 4 D. C. electric motors, $\frac{1}{4}$ horse power, \$8 each. All Emerson make, practically new. R. B. Ferguson, City Clerk, Reinbeck, Iowa.

WANTED—Second hand 10,000 to 16,000 gallon storage tank for gasoline. Lock box 235 Sheldon, Ia.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Scea City, Iowa.

FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—The incorporated town of Milford has for sale 1 Davis carbide feed acetylene gas plant in perfect condition. Model B generator 75 pound capacity. 23 burners with fixtures. 150 feet $\frac{1}{2}$ inch pipe. Will sell at a sacrifice. For information write J. E. Shelledy Clerk, Milford, Iowa.

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WANTED—Hand hose cart that will carry 500 feet of hose. Parties who have such a cart for sale give full particulars on the cart and the price wanted, address Henry Graaff, City Clerk, Bellevue, Iowa.

WANTED—A hook and ladder truck for light work, hand drawn. A. H. Steil, Mallard, Iowa.

FOR SALE—Two twenty gallon Seagrave chemical tanks complete. E. T. Austin, Marshalltown, Iowa

FOR SALE—Dean Steam Duplex Fire Pump 14 inch steam cylinder, 8 $\frac{1}{2}$ inch water cylinders, in good condition, price \$400.00. E. C. Smith, Clerk, Town of Bonaparte.

FOR SALE—One two-horse hose wagon, capacity 1,000 feet 2 $\frac{1}{2}$ inch fire hose. C. J. Duff, City Clerk, Council Bluffs, Iowa.

FOR SALE—18 horse power Watrous fire engine, good as new, complete with 30 foot 4 inch suction hose, same being replaced by high pressure water system. Write or wire at once, for full particulars. Russell E. Whipple, chief, fire department. Lehigh, Iowa.

FOR SALE—Two 2-horse double 50-gallon tanks and one either 2-horse or hand drawn 100 gallon chemical fire engine. Champion make, and in good condition. Inquire Chief Kellogg, fire station No. 1 Sioux City.

FOR SALE—Forty gallon chemical carts for small cities and towns and three gallon hand chemicals for stores factories etc. Write for catalogue and prices Municipal Supply Company, Marshalltown, Iowa.

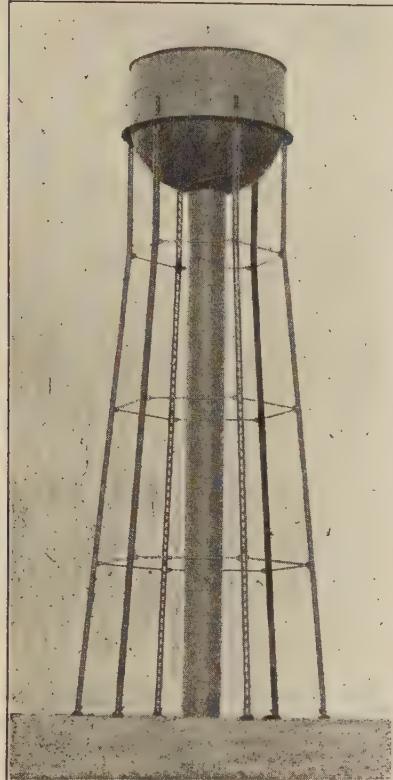
FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Deleval Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.

FOR SALE—Two Cook Deep well pumps with 400 feet casing and 400 feet of wood rod. 1 No. 300 18 or 24 inch stroke 4 inch cylinder. 1 No. 159 12 or 18 inch stroke 3 $\frac{1}{2}$ inch cylinder. Line shaft and pulleys. All in fine condition. Address town of Milford, Iowa. J. E. Shelledy, Clerk.

FOR SALE—The city of Fort Dodge is contemplating the equipping of its fire department with motor apparatus. On this account we have for sale; one horse drawn hook and ladder wagon with extension ladders; two combination chemical and hose wagons, capacity of 1,000 feet of 2 $\frac{1}{2}$ inch hose; one police patrol wagon; two exceptionally good teams well broke for fire or police service. Will sell any part or all of this equipment. If interested write W. L. Tang, City Clerk, Fort Dodge, Iowa

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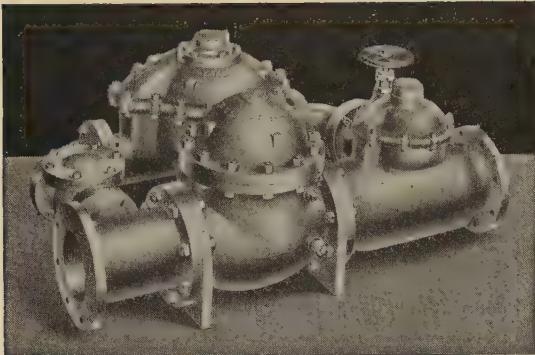
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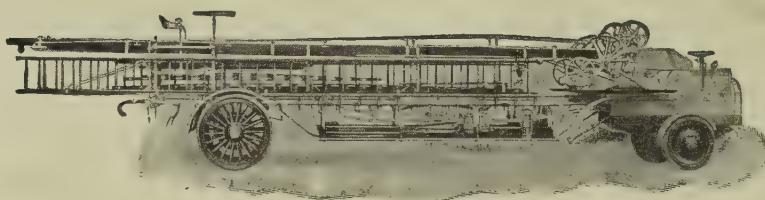


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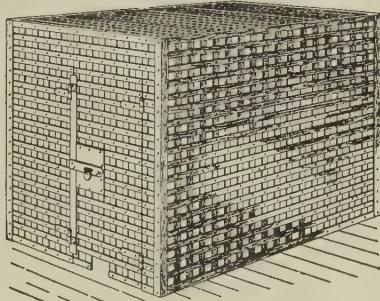
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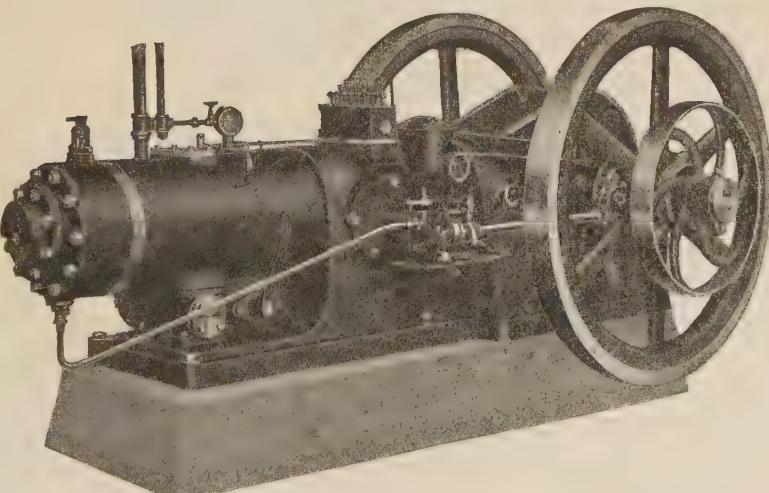
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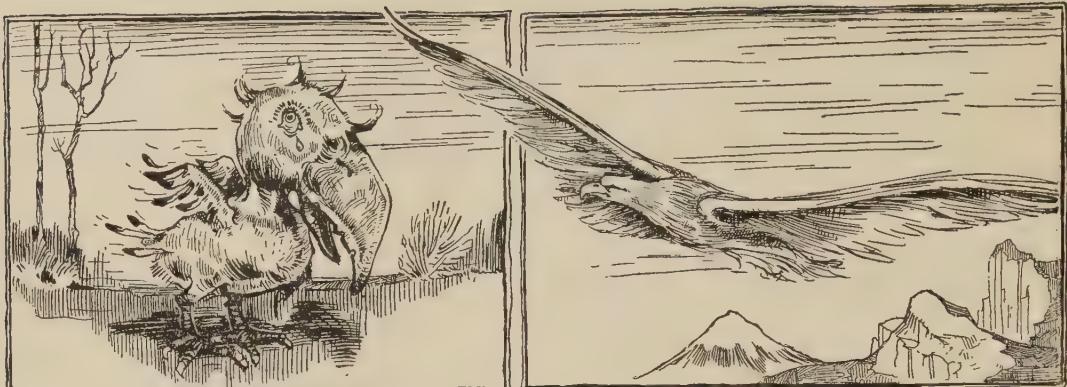


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The Dodo couldn't fly, couldn't fight, couldn't run. He was inefficient; and Nature scrapped him. The eagle—strong, swift, combative—*survived* because fittest to endure through the centuries. This *survival of the fittest* is also strikingly illustrated in

TRINIDAD LAKE ASPHALT

—the product which Nature, through centuries, has made the fittest to endure. When you do pave—pave with asphalt. And when you choose asphalt, choose Nature's own product. Trinidad Lake Asphalt pavements survive the years of heavy traffic—20 to 30 years of it—because they are the *fittest* for the service. There is an exact reason behind this, of course—and you will find it made plain and clear in "The Asphalt Primer". Your request brings a copy.

The Barber Asphalt Paving Company
Philadelphia, Pa.

American Municipalities

August, 1916

Vol. 31, No. 5

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OFFICIAL BULLETIN

League of American Municipalities
 President, Mayor Martin Behrman, New Orleans
 Secretary, Robert E. Lee, Baltimore

League of Iowa Municipalities
 President, Dr. J. F. Cole, Mayor, Oelwein
 Secretary, Frank G. Pierce, Marshalltown

League of Nebraska Municipalities
 President, J. W. Mayer, Mayor, Beatrice
 Secretary, Hon. Rosco C. Ozman, Lincoln

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Frank G. Pierce, Editor

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TO MUNICIPAL OFFICIALS

Municipal officials receiving American Municipalities need have no fear of incurring financial obligations. If you are not a subscriber, either the municipality you represent is a member of one of the Leagues of Municipalities listed above and you are entitled to a copy free, or the copy you receive is a sample copy.

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COMMENT

The entire opinion of the Iowa Supreme Court in a case relating to electric rates, meter charges and fine for violation of the ordinance is published in this issue.

Every municipal official should read this opinion as it is an excellent exposition of the underlying principles of the control of such utilities.

A recent report of the Omaha Metropolitan Water District is published and shows very conclusively that municipal ownership of waterworks is a success.

A statement of the progress made by the National Septic Process Protective League is published and from the showing made municipal officials may feel secure in taking out a membership in the association.

Dr. Donald Macrae a former mayor of Council Bluffs presents some ideas that are worthy of consideration in an address published in this issue.

If a plan can ever be devised that will assure the election of men to office on the basis of qualifications then surely will some advance be made in municipal administration.

Iowa officials should note the change in the date of the next annual meeting.

The dates as now fixed are September 19, 20 and 21., at Dubuque.

The officials and commercial club of Dubuque are making great preparations to entertain the delegates to the meeting and all attending may be sure that they will be given an entertainment worthy of the reputation of Dubuque for hospitality.

Make arrangements now to attend this annual meeting and you will be more than repaid for the trouble and expense.

The council of Independence Iowa is considering the paving question for next year and in all probability about twenty-one blocks will be laid, asphaltic concrete seems to be the favored pavement but the kind has not as yet been definitely selected.

NATIONAL CEMENT ASSOCIATION ADOPTS WRONG POLICY.

The present executives of the National Cement Association seem to think that they can convince the people that cement pavement is the solution of the good roads problem by the use of national publications such as the Saturday Evening Post, rather than by insisting that cement pavements be properly laid.

Many a man has tried to build up a business by the liberal use of printers' ink and with a poor quality of goods but in the long run such a policy is bound to result in failure, and the present policy of the National Cement Association is as sure to result in failure as the sun is sure to rise tomorrow morning. The fact is that during the past few years hundreds of thousands of yards of cement pavement have been laid that is already going to pieces, and that will be the strongest possible lesson to the taxpayers, that a cheap pavement is seldom cheap in the long run. As these poor pavements go to pieces all the printers' ink in the country cannot convince the people that the cement pavement is the kind of street improvement they want.

A few years ago the National Cement Association announced that it would be the policy of the organization to see that cement pavement was properly constructed and some little inspection work was done that gave excellent results. If this policy had been continued, it would have been of the greatest possible benefit to the cement industry.

A publicity man should learn first, that he must give the right goods, before he can build a permanent business and the cement pavements

sold to the people at this time are not good except in exceptional cases. It will be better for the National Cement Association to give more attention to the construction of first class cement pavements and less to the spreading of printers' ink. The sooner the association comes to this conclusion the better it will be for the cement companies that pay the bills.

SEWER EXTENSIONS—OELWEIN, IOWA

Bids will be received at the City Hall, at Oelwein, Iowa, by the city council until 8:00 P.M.; August 14th, 1916 for the construction of approximately 2,388 feet of 6 inch sewer, 1,882 feet of 8 inch sewer; 740 feet of 10 inch sewer; 1,970 feet of 12 inch sewer and 720 feet of 15 inch sewer, to be of vitrified pipe.

Plans and specifications may be obtained from G. H. Bishop, City Engineer, Oelwein, Iowa.

AUTOMATIC SPRINKLERS BEST FIRE PROTECTION

The records show that in the past fifteen years over 94 per cent of the fires which occurred in sprinkler-equipped buildings were either totally extinguished or held in check until the arrival of the city fire departments or other outside agents. More than 84 per cent had accomplished their purpose, leaving less than 6 per cent of the fires which got beyond the control of sprinklers. The records show that the failure of the sprinklers in these cases was due largely to the human element of carelessness and neglect, attributed principally to the water supply being shut off or insufficient, defective equipment, or unsprinklered portions of buildings.

Nineteenth Annual Convention LEAGUE OF IOWA MUNICIPALITIES Dubuque, Tuesday, Wednesday and Thursday September 19th, 20th and 21st

NOTE---The date on the League letterheads is a week earlier, but the correct date is September 19, 20 and 21

MAYOR J. F. COLE, President, Oelwein
FRANK G. PIERCE, Secretary, Marshalltown

Omaha Metropolitan Water District

Municipal Ownership Shows Great Results in Nebraska City

That municipal ownership has been a success in Omaha is amply proven by a notice mailed the consumers in March of this year.

The first interesting item is a notice of a reduction of ten per cent in water rates, the sixth reduction made since the city took over the plant. This notice is as follows:

Omaha, Nebraska, March 21, 1916

To the Public:

By order of the Board of Directors of the Metropolitan Water District an additional reduction of ten per cent, in the maximum net water rate now paid by consumers will be effective in connection with water used in April and regularly billed on and after May 1, 1916. The effect of the preceding five water rate reductions, made since July 1, 1912, when the city acquired the water plant, is rendered apparent by an inspection of the following diagram.

There is also submitted herewith a summary of the first annual audit of the books and accounts of the Metropolitan Water District by the auditor of public accounts of the state of Nebraska as required by law.

This report shows in detail the financial condition of the plant.

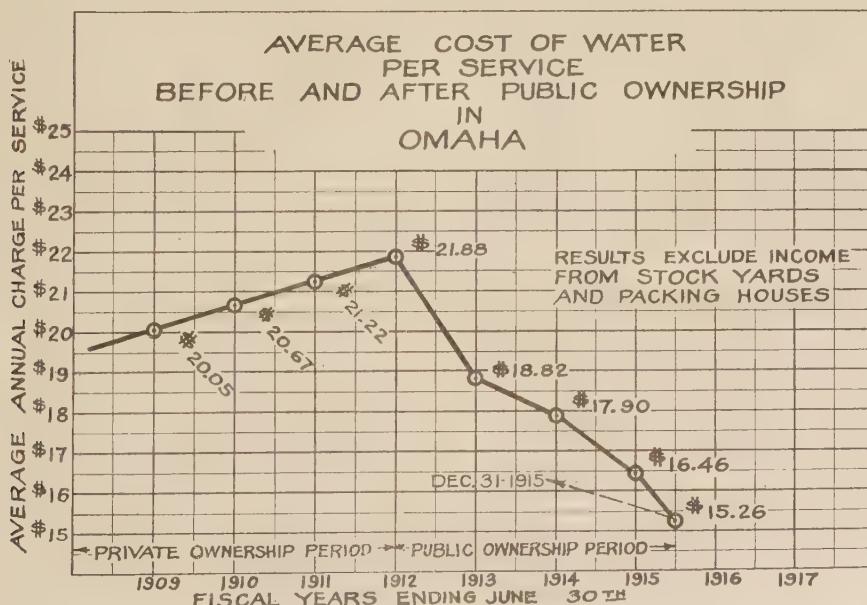
ANNUAL SUMMARY

LETTER OF TRANSMITTAL ACCOMPANYING DETAILED ACCOUNT OF AUDIT

Honorable William H. Smith,
State Auditor of Public Accounts
Lincoln, Nebraska.

Dear Sir:

As per your instructions we have audited the accounts of the Metropolitan Water District of the City of Omaha for the year ended 31st December, 1915, and beg to report as follows:



The above diagram graphically illustrates the gradually increasing cost of water in Omaha for the four years preceding public ownership and the remarkable decrease since. The average cost for 1913, the last year of private ownership, reached \$21.88 per service. For the calendar year of 1915 it had fallen to \$15.26.

Income from Operation.....	\$774,880.52
Less—	
Expenses of Operation..	\$223,906.07
Reserve for Depreciation	108,442.07
Reserve for Doubtful....	
Accounts	5,689.44
	338,037.58
Net Income from Operation.....	\$436,842.94
Add—	
Interest on Investments,	
Deposits, Etc.....	\$ 42,722.31
Income, Other Sources..	76,568.78
	119,291.09
Total Net Income.....	\$556,134.03
Deduct—	
Interest on bonds and exchange.....	\$338,148.28
Reserve for bond sink- ing fund.....	130,034.49
	468,182.77
Net Income Added to Surplus.....	\$ 87,951.26

For the period under review the saving to the small consumers, approximated \$263,363 due to a change in the form of service and a 40 per cent reduction in the maximum water rate. For the same period the saving to the city has been \$12,762 due to the installation of a large number of hydrants without a corresponding increase in taxation. These two items, amounting to \$276, 125 are a saving in addition to the net profit from operation of \$217,985, of which \$130,034.49 was placed in the Bond Sinking Fund and \$87,951.26 added to Surplus. The approximate saving and net profit have thus amounted to \$494,110 from which should be deducted \$129,703 the probable maximum amount of all taxes which would have been payable under private ownership.

(From the year in which water bonds were first voted for the acquisition of the water plant the total taxes paid by the water company amounted to but \$14,747.32.)

We have prefaced the Appended Schedules numbered 1 to 10 with a detailed account of the audit.

In the performance of our work we were accorded every courtesy and cannot commend too highly the marked degree of efficiency of both the management and office force.

Charles A. DeFrance,
Expert Accountant.

Omaha has the following assets as a result of its first public ownership investment, viz:

- (1) The water plant in Omaha, Florence and East Omaha, which has cost to date a total of..... \$7,424,651.05
(Of this amount the city paid for the plant July 1, 1912, \$6,319,261.68, and has since made additions by construction costing \$1,105,389.37.)
- (2) Material, Supplies and Tools on

hand worth	132,051.46
(3) Accounts Receivable, Etc., amounting to.....	321,615.76
(These are current accounts and taxes due the Water District and in course of collection.)	
(4) Investments, Bonds and Warrants Purchased.....	733,603.11
(The securities purchased include \$431,000.00 of Omaha water bonds)	
(5) Cash on hand.....	191,208.75
Or Total Assets of.....	\$8,803,130.13
As against these assets, Omaha is indebted as follows, viz:	
(1) On account of Water Bonds issued in 1912 to purchase and improve the water plant.....	\$7,500,000.00
(2) For Accounts Payable, Etc., amounting to	41,845.41
(These are current accounts due from the water district to contractors and for supplies.)	
Thus leaving for the Depreciation, Reserve, Miscellaneous Reserve, Bond Sinking Fund and Surplus assets amounting to \$1,261,284.72. divided as follows, to-wit:	
(3) Reserve for Depreciation.....	332,274.61
(This reserve is accumulated to offset the unavoidable wear and tear of the water plant over and above ordinary repairs.)	
(4) Miscellaneous Reserve.....	94,062.94
(This item is made up of reserves for insurance and uncollected taxes.)	
(5) Bond Sinking Fund.....	453,078.03
(The sinking fund plan adopted is based upon 4 per cent interest and will pay off the \$7,500,000.00 bond issue when due in 1942.)	
(6) Surplus	411,869.14
(A surplus fund provides working capital and is at hand for use in case of an emergency. The Missouri river above Florence, for instance, may create an emergency at any time by threatening to shift its channel and leave the pumping station without water.)	
Or Total Liabilities, equal to Total Assets of	\$8,803,130.13

HISTORY

In 1900 the City of Omaha voted to acquire its water plant, then owned by a private corporation; however, as the result of a bitter contest, actual possession was not accomplished until July 1st, 1912.

To finance the purchase and provide for

necessary extensions and improvements, there were issued and sold \$7,500,000 of "Omaha Water Bonds," from the proceeds of which \$6,319,261.68 was paid for the plant.

During the three and one-half years of public ownership, ending December 31st, 1915, there has been expended in extending and improving the water plant \$1,105,389.37, resulting in an adequate water supply of a purity and clearness never before enjoyed.

During the same period the percentage of services metered has been increased from 50 to 87 per cent, the maximum water rate charged under private ownership reduced 40 per cent, and another reduction of 10 per cent announced in connection with water used in April, 1916 and thereafter.

These changes, together with the reduced hydrant rental rates afforded, have resulted in a saving to small consumers and the city of more than \$600,000 for the three and one-half year period.

MANAGEMENT AND OPERATION

The water plant is conducted by the Metropolitan Water District of Omaha, under the managerial form of government, consisting of a bipartisan Board of six directors, two of whom are elected every two years for a term of six years, and a General Manager appointed by the Board.

The main pumping station is located six miles north of the business center of Omaha, where water is pumped from the Missouri River into a series of six sedimentation basins for treatment and purification. Thence it is pumped to the city against the head afforded by three reservoirs at an elevation of 307 feet above the river, and subsequently 32 per cent is re-pumped at the Poppleton Avenue Re-pumping Station, located in the city, to the higher portions of Omaha.

A NASAL AND DIGIT DRAMA

"Dr. Holmes, that delightful wit and philosopher of a former generation, remarked in his *Autocrat of the Breakfast Table* that there are a good many symbols even that are more expressive than words. In the *Knickerbocker History of New York* we read that, when William the Testy sent an expedition to treat with the belligerent powers of Rensselaerstein, the ambassador who accompanied the expedition demanded the surrender of the fortress. In reply the Wachtmeister applied the thumb of his right hand to

the end of his nose, and the thumb of his left hand to the little finger of the right, and, spreading each hand like a fan, made an aerial flourish with his fingers. No breach of the peace ensued, but this was apparently owing to the fact that the ambassador was ignorant of the significance of the watchmeister's salutation. It is, however, recorded that the practice became widespread, and that up to the author's day the thumb to the nose and the fingers in the air is apt to be a reply made by tenants to their landlord when called upon for any long arrears of rent."

The above is part of the opinion delivered by Judge Roy, of the Kings county court, in New York, and reported in *People v. Garstenfeld*, 156 New York Supplement, 991.

To quote further: "Is it disorderly conduct for one individual to publicly greet another by placing the end of his thumb against the top of his nose, at the same time extending and wiggling the fingers of his hand? That momentous question is involved in this appeal. What meaning is intended to be conveyed by the above-described pantomime? Is it a friendly or an unfriendly action—a compliment or an insult? Is it a direct invitation to fight, or is it likely to provoke a fight?"

"The practice still persists, and is not limited to tenants who are indisposed to pay their rent. Among boys it serves as a harmless vent for injured feelings, which lack the proper vocabulary to relieve themselves through audible speech. But when boys become men they should 'put away childish things.' In the case at bar the circumstances attending the enactment of the nasal and digit drama aforesaid tend to show a design to engender strife. Moreover, the defendant had committed the same offense toward the complaining witness on previous occasions, thus indicating a determination to annoy him to the limit of patient endurance. My answer to the question stated at the beginning of this opinion is: It depends on circumstances. And under the circumstances disclosed, I am satisfied the magistrate was fully warranted in reaching the conclusion he arrived at, and I therefore affirm the conviction."

Be sure and notice change of date for League Convention.

National Septic Process Protective League

F. G. Pierce, Secretary, Marshalltown, Iowa

For the short time that the National Septic Process Protective League has been organized, very satisfactory headway has been made in completing an organization, and the League will soon be in shape to defend any suit or suits brought by the Cameron Septic Tank Company for claimed infringement of the patents controlled by that company.

The first effort of the officers was directed toward securing an organization, it being the desire to secure members of the Board of Directors for each state, who would represent the municipalities of that state, and be interested in the defense of any suits brought by the Cameron Company.

Nearly all of the different state leagues of municipalities have agreed to co-operate and have appointed one of their officers as a member of the board. In those states not having state leagues the State Board of Health and well known sanitary engineers have accepted an appointment.

At the present time the officers of the League are as follows: President, Dr. H. M. Bracken, Executive Officer, State Board of Health, St. Paul, Minn; Vice-President, A. Elliott Kimberly, Consulting Engineer, Columbus Ohio; Secretary-Treasurer, Frank G. Pierce, Secretary, League of Iowa Municipalities, Marshalltown, Iowa; Executive Committee, A. Marston, Dean Engineering Department, Iowa State College, Ames, Iowa; C. A. Haskins, Engineer State Board of Health, Lawrence, Kans; Paul Hansen, Engineer State Board of Health, Springfield, Ill; Wm. J. Locke, Secretary League of California Municipalities, San Francisco, California; W. P. Capes, Secretary New York Conference of Mayors, Albany, N. Y.

The following have become members of the Board of Directors: Arkansas, Guy A. Watkins, Consulting Engineer, Little Rock; California, Wm. J. Locke, Executive Sec'y League of California Municipalities, San Francisco,

Clas G. Hyde, Con. Eng., Calif. State Board of Health, Berkeley; Illinois, Paul Hansen, Eng. State Board of Health, Springfield; Langdon Pearse, Engineer, Chicago; Iowa, Hon. J. F. Cole, Pres. League of Iowa Municipalities, Oelwein; Lafayette Higgins, State Sanitary Engineer, Des Moines; Kansas, C. A. Haskins, Eng. State Board of Health, Lawrence; C. H. Talbot, Sec'y League of Kansas Municipalities, Lawrence; Maryland, Robert B. Morse, Eng. State Board of Health, Baltimore; E. B. Whitman, Sanitary Engineer, Baltimore; Massachusetts, F. A. Barbour, Sanitary Engineer, Boston; Michigan, W. C. Hoad, Sanitary Eng., University of Michigan, Ann Arbor; Edward D. Rich, State Sanitary Engineer, Lansing; Minnesota, H. A. Whitaker, Sanitary Engineer, State Board of Health, Minneapolis, R. R. Price, Sec'y League of Minnesota Municipalities, Minneapolis; Nebraska, R. C. Ozman, Sec'y League of Nebraska Municipalities, Lincoln; New Jersey, Clyde Potts, Sanitary Engineer, Morris-town; F. T. Parker, Sec'y Atlantic City Sewerage Co., Atlantic City; New York, W. P. Capes, Director N. Y. Conference of Mayors, Albany; Theodore Horth, Sanitary Engineer, State Board of Health, Albany; North Carolina, J. L. Ludlow, Con. Engineer, Winston-Salem; Warren H. Booker, Engineer State Board of Health, Raleigh; North Dakota, C. J. McGurren, Sec'y State Board of Health, Devils Lake; Ohio, W. H. Dittoe, Engineer State Board of Health, Columbus; E. G. Bradbury, Con. Eng. Columbus; Oregon, David N. Roberg, State Health Officer, Portland; South Dakota, E. K. Mather, Sanitary Engineer, Mitchell; Texas, V. M. Ehlers, State Sanitary Engineer, Austin; Virginia, Richard Messer, Sanitary Engineer, State Board of Health, Richmond; West Virginia, Mayo Tolman, Director State Board of Health, Charleston; G. M. Osborn, Sanitary Engineer, Charleston.

As soon as funds sufficient to justify the action were secured, the secretary, by direction

of the president, secured a proposition from Mr. Wallace R. Lane of Chicago, the attorney who successfully defended the city of Knoxville, Iowa, a number of years ago, against a claim by the Cameron Company, to act as attorney for the League. It was first decided to call a meeting of the executive committee in Chicago to consider this proposition but later it was decided to submit the proposition of Mr. Lane to the different members of the executive committee by mail. As soon as all the members of the executive committee approve this proposition, or disapprove it, some definite action will be taken so far as an attorney is concerned. The chances are that Mr. Lane will be employed.

There has been some question on the part of the different municipalities as to whether the payment of dues, as fixed by the constitution, would be sufficient to finance the League. There are nearly seven hundred sewerage disposal plants in the country, that would be subject to royalty, on condition the claims of the Cameron Septic Tank Company are upheld. Not more than fifty of these have settled with the Cameron Company, so that at least six hundred municipalities in the country are interested in the threatened suits of the Cameron Company and should join the association. If half of this number, or three hundred, join, it will give the League funds amounting to four or five thousand dollars, and as there are no salaries attached to the offices of the League, all this money can be used for legal services, postage and stationery. The entire bill for postage and stationery will not exceed five hundred dollars, so that the League will have several thousand dollars that it can spend for legal services, if the different municipalities will all pay the one assessment asked for at this time.

Any municipality may feel perfectly safe in joining the organization, because there would be no obligation to pay other fees, if it should be necessary to ask for the same. It would be entirely optional with a municipality to pay, or not pay, as they thought best at the time the call was made. The President of the League has instructed the Secretary to incur no liability of any kind, unless the money is on hand to pay for the same, so that the members may feel at all times that no obligation will be incurred unless the money is in the treasury with which to pay

the claim.

This is the age of co-operation and the municipalities and others interested in combating the claims of the Cameron Company should co-operate in defending any suit brought by that company. No one municipalities, especially a small one, could afford to bear the expenses of defending a test case, but if all those interested will become members of the League any case brought against any of the members would be defended by the best legal talent, with the aid of the sewerage purification experts in the country.

Municipalities should bear in mind, that irrespective of where the test case is brought that they are interested in the outcome, because if the claims of the Cameron Company are once established by the supreme court of the United States, such decision would fix the law, and every city and town having a sewerage disposal plant would be liable for royalty. No municipality having a disposal plant can afford to remain outside the League.

TESTS OF ROAD-BUILDING ROCK

The results of a large number of recent physical tests of road-building rock have been published by the U. S. Department of Agriculture as a professional paper, Bulletin 370. These tests have been made by the Office of Public Roads and Rural Engineering to give highway engineers information in regard to the various physical properties of the different rocks most frequently used in road construction. The three most important of these properties are defined in the bulletin as hardness, or the resistance which the rock offers to the displacement of its surface particles by abrasion; toughness, or the resistance which it offers to fracture under impact; and binding power, or the ability which the dust from the rock possesses, or develops by contact with water, of binding the large rock fragments together.

BIDS WANTED

The city of Perry, Iowa, will receive bids on the following work, to-wit:

11,328 lineal feet of curb and gutter.

2,620 lineal feet of gutter.

Until 8 o'clock p. m. on the 7th day of August. Each bid to be accompanied by a certified check for 10 per cent of the bid. Specifications on file in the office of the city clerk. Chas. E. Wilson, Civil Engineer.

Address of Dr. Donald Macrae

Before League of Iowa Municipalities

I know it is not exactly proper to apologize in the old fashioned way every time a man attempts to make a speech, but I must say that I was a little surprised. I thought they were just going to turn me loose and let me discuss whatever I desired, that is my long suit. While I have accomplished a great deal during my two administrations it gives me cold feet to stand up before this audience, just the same in fact it runs up higher than my feet.

All you men know that a mayor doesn't cut very much ice in the present condition of affairs as we have them here. Why the mayor has absolutely nothing to do as far as a vote is concerned except when it comes to a tie. Of course his influence may cut a great deal of figure, I think it does, but as a matter of fact the mayor has very little to do in this town so far as dictating the course that may be pursued. I might say that I am not a politician in one sense of the word. I have always been interested in city affairs, as I am interested in my own affairs. I have always considered that the city is part of my home, and I am as much interested in a better city and a cleaner street, as I am in the stylish porch on my house or a clean back yard.

I might say I was elected mayor largely because I was a hero. I thought perhaps they might elect me because I knew so much about running cities, having practiced medicine most of my life, up to that time I made a living at that with a few other things similar to that; of course they all tend to make me a wonder in running a city, I think that is why they elected me, but I don't know, or it may be because I had been a hero, I had not been killed or anything of that kind, and they did not have any person around here, anybody that knew anything; and they hadn't forgotten at that time that I was a hero, I am bringing that up now because people have forgotten it, and I want to say I am still a hero, having served in the Philippines and that is why they elected me.

Now why they elected Dr. Snyder, I don't

know. I can't understand it, unless there is something in connection with this obstetrics work, confinement of women and all that sort of thing that makes him prepared—an expert when it comes to the city administration.

I know more about running a city now than I did before, I think that I would advise all young men after they graduate from high school to become mayors, because they learn a lot during the administration, and I think if everybody in town could be elected mayor they would know a lot more, I think this long term of two years is too long, they ought to make them about two weeks, would be long enough, and if we could have every man in a town become mayor for two weeks it would educate its people.

I don't see why railroads don't select their president—in looking for a president I don't see why they don't select a mayor—I would rather be president of the New York Central line than mayor of Council Bluffs, and I think that my experience in cutting off legs, and taking out gall bladder stones certainly fits me as a candidate at least, for the presidency of the New York Central railroad, because there is a lot of people here that could run the city. The first term I was elected by seven hundred, my second term I was elected by quite a majority.

After building the water works, I tried to build an electric light plant, but the council changed and they defeated the proposition. Now we have given our electric light business to Omaha, now Omaha brings our light over here, and when they have expositions over in Omaha, or the Ak Sar Ben or some of those circus parades they have over there once a year drawing the suckers from western Nebraska, our lights go out over here, because they need them over there and the result is we all leave home and go over there, and then people come and wonder where the devil this crowd comes from. They all come from Council Bluffs, and the streets are crowded and it is all Council Bluffs people, they can't see to read at home, they can't even have

their council meeting in the council chamber, so we all go over there, and we go over on the street car—we have a bridge that charges five cents to go over—an automobile with four seats in it twenty cents, and if you have some one in it five cents more. I have a seat for a dog, I have a dog that I carry around with me in my automobile, and they charge me five cents for the dog, and if the dog isn't in there they charge me the five cents just the same. I had the seat taken off so I go over on five cents less. It is a wonder the way they fix us up over there across the river.

Now seriously it seems to me, that what I say after all may seem a joke, but it is a serious matter the way we select the men to run our city. I have got no more right to be the head of this town and run this town than I have to run the New York Central railroad. Now I believe that I have no more qualifications than any other fellow that I know of around this town, to run this town, not a bit.

What we need, it seems to me is a business man who is entirely engaged in that particular business. We look upon city business, as you all know, as a side issue, most of us do; only Mr. Mueller and Mr. Sheldon and a few others here that I am not acquainted with, that are able to devote most of their time, whether it be because their financial conditions are such that they can do it or not, I don't know, but the men usually selected our butchers, and barbers and one thing and another and they can't devote the time that they should, they should devote all their time, and they can't do it and keep a family and keep the beef steak going. So it becomes a question now not of selecting a man who is most fitted to be mayor, but the fellow that we think will be elected is the one we will vote for, we don't care much who he is, don't make much difference, one is as competent as the other in his particular line of business or his work; but when it comes to running a city we don't look for the man who is the most competent to run the city. That is brass tacks, that is all there is to it, it is a joke, and I think you all realize it is a joke, I realized it was a joke when I was mayor.

There may be a few men here who are perfectly competent, but I think the majority are not. I am not saying this in any spirit of criticism. I think you deserve a great deal of credit for what you are doing, you are doing the best you

can, and you are anxious to do the best you can, but you can't devote the time. You can't take a man out of a job like mine or any other practice or profession or place; and after he has been elected that is the end of it, he pays no more attention to the matter, he isn't qualified. It is a question of efficiency as shown by our friends the Germans. I have no more right to expect you, when I am discussing about my profession, to understand what I am talking about, any more than you would expect me to understand anything that you are discussing about your particular line of business, and yet when it comes to politics we all know all of it. But we have no particular experience in this matter, the result is we don't get the good that we ought to get, but there is going to be a day, I don't know when that is going to be, when we will elect men to office on account of their qualifications.

To a city beautiful, has been a hobby of mine all my life. I think I telephoned to Mr. Jensen and asked him to haul the bunch around in the automobiles to the various depots in town, I don't know whether he did or not. I especially wanted you to see the Chicago, Milwaukee & St. Paul depot, I wanted you to see that, and I wanted you to go down to the Union Pacific and try to get over on the platform with an automobile. I want you to try it,—I tried it once, it is a wonderful stunt, you can do it all right, if you are quick enough, and can beat the engine to it, but the Northwestern train will come in there between you and the depot about a mile long and stand there, and you will walk down about a mile to the next crossing, and just about the time you get down there the engine will pull up in front of you, and by the time you get over to the depot the train that you were going to board has been gone some time, I had that experience, I want you to see it, it is really a provoking condition.

When it comes to the City Beautiful I don't believe that we pay enough attention to that particular line. Now here in Council Bluffs we are trying to get parks, we are trying to get this, and we are trying to improve what we already have. Nature has endowed us with the most beautiful surroundings, our parks, and our hills, our streets, our water, and so on around about the city is not equalled anywhere, but we don't take advantage of that particular thing, and we don't know the reason why we can't do certain things, and I can't

help but believe that we can do that if our citizens and our administration and our commercial club and our Rotary club and all that sort of thing will combine to educate the masses generally in the town, what it means to have a beautiful city. The average man thinks very little of buying \$10 or \$15 for his own improvement, or paying out \$15 or \$20 on a French porch or beautifying his yard, but he has about seven hundred cat fits when he is asked to pay \$2.00 to beautify the city anywhere. I think it is a great mistake.

As I said before I am not an expert, and I haven't any right to talk about this thing as an expert, but as a layman, looking at it from my stand point. It seems to me the holler we have about taxes is the most serious thing we have to meet, and I think that does us more harm than anything else. The tax which you pay, I don't care from where it comes, on property or what you have, is the best money you could possibly spend, and I don't know of anything that a man kicks more about than his taxes. We have in this town a large number of people living here who work in Omaha, we have a large number of these people who have large families, and they go to school, there are from three to five in each family going to school, that is costing us \$50 a year a piece for each child. The man with four children doesn't pay a hundred dollars a year to put those four children in school, and yet pays this \$8, \$9 or \$10 a year tax, and must live in a 11 room house, he has \$700 furnishings. Now somebody is paying that in, and it seems to me that if we could have paid more taxes and have more results that we would be happier. The individual that has a home and has a nice home and fixes it up, I don't care how small it may be, is a public benefactor, more homes there are here will certainly lead to more and more homes, no question about that, and you must remember this will help the whole town. Each man should help his neighbor when it comes to building upon another site.

I would like to see a town like this built up with better trees, I would like to see railings along dangerous places, no broken down fences, I would like to see an occasional lake here and there along the line.

You gentlemen, as you came in today, and going up Broadway and seen our big creek,—we have it on post cards, we sell them for five

cents a piece; on post cards, pictures of our creek that we call Lousy creek in the upper part of town, it takes in about half of Broadway next to the street car line, we have been expecting a street car to fall into it on account of these rains that is undermining it considerably. Then we have beautiful flowers in the shape of Jimson weeds, sun flowers, and a few old board fences along the creek about ten or twenty feet high, that is the only beautiful part of it, as that obstructs the view from the other side, which is even more disagreeable than on this side. Now we should have that fixed up. Have a beautiful fence along that creek in the shape of cement, and an occasional cluster of lights,—how beautiful that would be instead of such an awful eye sore, how it would improve the property all around. Those of you who were here a few years ago before I was mayor noticed the great changes that have taken place, I have no doubt. The streets are clean. Before I was mayor, in getting off of the street car at the corner of Broadway and Pearl street, you would sink in mud up to your knees on an old granite paving, as you remember, that is an actual fact, since that time Mayor Maloney, and Mayor Snyder have seen fit to change the paving, there was the biggest kick on earth when we were to take the old granite blocks out. No one ever thought of driving a good team along that road because it ruined the horses, no one ever thought of getting out there with an automobile. The result was you could look for blocks and blocks and see nobody on the street, if you will remember, as no people came out on the sidewalk, there were a few strangers here and there. There is no amount of money that would cause those men to go back to the original condition, and that has been my experience with any improvement of that kind, they will kick about it, but after it is put in there is nothing in the world could change it, and it don't make any difference how many people object to an improvement, never stop an improvement, don't care how much kicking there is about it, after it is put in they will come to it.

The other night the commercial club asked me to go down here in the south end of the town, there is a great many Danes down there, and I don't talk Dane very much, and some of them get a very peculiar idea, some of them, some of those fellows down there; and they were trying

to get the street car company to run a street car from what they call Denmark clear up town, instead of stopping the cars at the end of Denmark, have to get off and wait a half hour, and if they can get across the tracks where the Rock Island depot is, without getting killed, they will get up town finally. I suggested that they could pave the street down thereto 7th street,—I got up and said I have a suggestion, we will just pave 7th street, then the Jitneys will get down there. One fellow got up and says, "Doc. Macrae comes down here,—" is that Dane,—"And says they are going to pave our street, what we want is great big holes to stop automobiles going by." I was looking for the back door, I had to go clear through the crowd to get out. Then I got up and said, "This man is not a good citizen, he is not the kind of man we want." I told him that I live on a street where there are lots of automobiles going by, and I don't kick, I like to see the people going by, and you ought to close the street up so that nobody could go by. And there was an old fellow that couldn't hear very well, and he says that Doc. Macrae comes down and wants to close our street up. Well now that is the way it goes. It is a question of educating the people. I don't think the fellows living in the west part of town, or the fellows living in the east part of town, or the fellows living in the south part of town, or the fellows living in the north part of town, get together and talk this thing over, they ought to get together and have a sort of Billy Sunday campaign out of it, and we could all get acquainted with the ideas, we could all work together.

IOWA LEAGUE OF MUNICIPALITIES DOES GOOD WORK

An organization which is doing a good work in the state of Iowa, and of which not a great deal is known outside of the membership, which is composed of city and town officials of over five hundred cities, towns and villages, is the Iowa League of Municipalities.

The League holds meetings annually, at which papers are given by experts on various topics of interest to the cities and towns of the state. Of those delivering these papers, many come from a distance, and all have had actual experience in the subject on which they speak—be it water works, sewerage, paving, beautifying of parks, play

grounds, street lighting, garbage disposal, or any of the many subjects with which officials of cities and towns have to contend.

The League also takes an active interest in legislative matters and has members of its legislative committee at Des Moines during the sessions of the legislature to look after the interests of the cities and towns.

At the last convention, held at Council Bluffs, the League adopted but one resolution—and that pledged the body to work for a greater degree of home rule for cities and towns of the state.

Clinton has been included in the league membership for a number of years, and doubtless will send delegates to the meeting of 1916, which will be held in Dubuque, September 19, 20 and 21.—The Clinton Advertiser.

SUNDAY NEWSPAPER A NECESSITY

The Pulitzer Publishing Company sued one McNichols for the balance due upon a contract for printing certain advertisements in the St. Louis Post-Dispatch. Part of the printing was done on week days and part on Sundays. As to the amount due for printing done on week days there is no dispute, but liability is denied for such part as was done on Sundays, on the ground that the printing and delivering of papers on Sunday is in violation of the law prohibiting certain kinds of labor on that day.

The lower court entered judgment in favor of the defendant, which decision, upon appeal to the St. Louis Court of Appeals, was reversed, and the case certified to the Supreme Court, which court affirmed the intermediate tribunal, 181 Southwestern Reporter, 1, on the theory that the Sunday newspaper is a present-day necessity.

Judge Woedson says: "The great service the press is rendering to humanity is performed on Sunday as well as upon Monday or upon any other day of the week, and its beneficence is more potent on the former than upon the latter, for the simple reason that the toiling masses have more time to read the papers on Sunday than any other day of the week, and therefore acquire greater knowledge and information from them regarding the matters stated on that day than upon any other day."

Make arrangements to attend the League Convention next month.

Nebraska League News

Edited by Roscoe C. Ozman, Secretary, League of Nebraska Municipalities

With the coming of the fall elections and another session of the legislature it is well to consider and discuss among our friends the following recommendations adopted by the League at its convention at Kearney:

"A change in the inheritance tax law whereby the money arising from an inheritance tax levied on city property will go into the street fund of the municipality where the property subject to the tax is located and not into the road fund.

"To have a state health commissioner with subordinates to be appointed by the state board of health, one in each county and in addition one in each city of more than 5,000 inhabitants.

"To provide for a city manager plan with an elective board or council that shall receive no pay but act as an advisory board of councilmen only.

"To have the records of each municipality examined at least once in two years by an expert accountant of the state.

"To have all municipal primaries and elections held on Monday instead of Tuesday.

"That it is the sense of the League of Nebraska Municipalities that we request the authorities of the University of Nebraska to have one of the university departments experiment with Nebraska clay and shale deposits for paving and building brick, keep a record of all data relative to tests made from such deposits, and, to keep a record of tests made of paving and building brick taken to the university for testing, and that all such records be open for the benefit of municipal officers and citizens of the state."

In order to secure these changes that are of interest to our cities and villages, all must take up seriously the duty of speaking to those in authority and having the power to help us.

PUBLIC UTILITIES

The state legislative reference bureau is doing a great service for the cities of the state by gathering all available information regarding

public utilities. This includes rates charged for water and light, the disposal of sewerage, the amount of the year's levy, what if any debt, the local use of the initiative and referendum, progress made in parks and public buildings, community club work and building record for the year 1915. By the cooperation of city officials much valuable material has been received in reply to the questions asked. The result will be published and every city sending in information will receive a copy. Comparisons can then be made and one city can ask another how difficulties were overcome and how so much progress was achieved.

LEARN BY VISITING

The mayor and councilmen of Red Cloud have recently visited Superior for the purpose of securing information about the sewer system of Red Cloud and to see the system as installed at Superior. E. Bossemeyer and Walter Young, two active business men of Superior, took charge of the Red Cloud party and showed them, in addition to the sewer system, many of the fine municipal improvements that Superior enjoys.

SEE TRACTORS FOR CITY USE

Henry Ford will come from Detroit to the Fremont tractor show, which will be held in that city the first two weeks in August. This will add an attraction to the other show features.

OLD MARKS GOING

All hitching posts in the business center of Columbus will be moved. The city gave notice that the work must be done in thirty days.

"GO SLOW" SIGNS

One important piece of work that is being done at Broken Bow is the putting of culvert signals on the highways leading into that place. The law requires that a signal post be put at the end of every culvert, but in very few places has there been any attention given to this. It is believed the placing of "Go Slow" signals at culverts will save many accidents and the people of Broken Bow are meeting the requirements of the law.

Iowa Municipalities Control Utilities Rates

Supreme Court of Iowa Passes on Question of Municipal Control

The defendant, a public service corporation, appealed from the judgment of the District Court imposing a fine for the violation of a city ordinance prohibiting it from charging more than the amount fixed by an ordinance for services rendered in supplying electric light and power.

The Plaintiff is a municipal corporation, the defendant a private corporation, organized under the laws of this state, and authorized to build and operate an electric light and power plant in the Plaintiff city, and was, at the times hereinafter mentioned, operating an electric light and power plant in said city.

On the 13th day of September, 1913, the plaintiff city regularly adopted and promulgated the following ordinance:

Ordinance No. 75. "Being an ordinance regulating and fixing the rent or rates for electric light, and regulating the use of light and power meters or other devices for determining consumption of electric light and power.

Be it Ordained by the city council of Tipton, Iowa:—

Sec. 1. Any person, firm or corporation supplying electric light to the inhabitants of the city of Tipton shall charge not to exceed ten cents per kilowatt hour therefor, and no person, firm, or corporation shall charge, exact, or receive in excess of ten cents per kilowatt hour for electric light supplied by them to any inhabitant of said city, provided, however, that such person, firm, or corporation shall have the right to collect a minimum rate of seventy-five cents per month for each residence or place of business using said light, which minimum charge shall include the use of meters.

Sec. 2. No person, firm or corporation, furnishing electric light or power to the inhabitants of the city of Tipton, shall charge, exact or receive any compensation for the use of electric light or power meters or other devices for the measuring of electric light or power.

Sec. 3. Any person, firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof, be punished by a

fine of not less than Five Dollars or more than One Hundred Dollars.

Sec. 4. This ordinance shall be effective from and after Oct. 1, 1913.

Sec. 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

On the 8th day of December 1913, there was filed in the office of the mayor of the plaintiff city an information, properly sworn to, charging the defendant with a violation, of said ordinance, the information being in the words and figures following:

"The defendant, Tipton Light & Heating Company, is accused of charging, receiving and exacting meter rent for electric light meters, for that on or about the 6th day of December, 1913, the said defendant did, at and within the city of Tipton, Iowa, charge, exact and receive from one M. R. Jackson the sum of twenty cents, as rent for one meter, or instrument for measuring electric light current, for the month of November, 1913, contrary to the ordinance in such cases made and provided."

The defendant appeared by its attorney and entered a plea of not guilty. The cause was tried and submitted, and defendant found guilty as charged. Judgment having been entered against the Defendant, it appealed to the District Court.

In the District Court, the cause was re-tried, and the defendant found guilty as charged, and judgment entered that he pay a fine of \$50.00 and costs. From this, it appeals to this Court and contends:

1st. That the plaintiff city had no authority, express or implied, to prohibit the defendant Company from charging a reasonable rate as meter rent.

2d. That if the statutes expressly conferred the power to prohibit meter charges for rent, there is no authority to impose a fine or imprisonment.

These are the only questions involved in this which we think are proper for our considera-

tion. The other questions raised may be disposed of under these two heads.

Section 725 of the Code of 1897, gives to cities such as this plaintiff, the power to regulate the rates to be charged for services rendered by corporations such as this defendant, and reads as follows: "They shall have power to require every * * * private corporation operating such works or plant, subject to reasonable rules and regulations, to furnish any person applying therefor, along the line of its pipes, mains, wires or other conduits, with gas, water, light, or power, and to supply said city or town with water for fire protection, and with gas, water, light or power for other necessary public purposes, and to regulate and fix the rent or rate for water, gas, light or power; to regulate and fix the rents or rates of water, gas, and electric light or power; to regulate and fix the charges for water meters, gas meters, electric light or power meters, or other device or means necessary for determining the consumption of water, gas, electric light or power, and these powers shall not be abridged by ordinance, resolution or contract."

The right of the state to delegate to municipalities the powers therein conferred, is not questioned. The right of the city to exercise these powers when delegated, is not questioned. There is no claim that the provisions of the ordinance fixing the rates are unreasonable. The passage of the ordinance is a legislative act. It is presumed to be reasonable until the contrary appears. That the Defendant violated the ordinance is admitted.

The first question then is, was the passage of this ordinance a fair exercise of the delegated power of the city. The first provision of the ordinance is not involved in this suit, nor is the right of the city to enact the provisions of the first section of the ordinance in question.

METER CHARGES

It is claimed that the city had no power, even under this delegated authority, to prohibit, the exaction of compensation for the use of meters or other measuring devices. This question, we dispose of first.

This statute gives to cities the power to regulate and fix rates for water, gas, etc., and gives to it power to regulate and fix charges for gas meters, etc., used for determining the amount of water, gas, etc., consumed. That the legislature

had power to regulate the rates and charges of corporations rendering public service, cannot be questioned. That it had power to delegate this to municipalities or local boards, can and is not to be questioned. It did delegate this power by express provisions.

By express provision, the Legislature has delegated the right to regulate and fix the rents or rates that may be charged. In this is involved the right to fix a maximum and a minimum rate. In fixing these rates, due regard must be had to the fact, that these corporations are entitled to reasonable renumeration for the services rendered. Within this limitation, the right to fix the rates is vested solely within the legislative power of the city. Courts have a right to inquire into the reasonableness of an ordinance, and every ordinance, to be valid, must be reasonable and just in its provisions to all the parties to be affected by its enforcement.

No question is here made as to the reasonableness of the ordinance in question. The franchise of the defendant, if any it had, is not before us. We have no way of knowing its provisions. It undertook to, as was, furnishing electricity for light and other purposes to the people of plaintiff city. Its business brought it within the purview of the statute hereinbefore cited. For the services to be rendered, a maximum charge was fixed by the first section of the ordinance. Under this provision, it could not charge, exact, or receive anything in excess of ten cents per kilowatt hour for electricity supplied by them to any inhabitant of the city. A minimum rate was fixed of 75c per month for each residence or place of business using the light. This first section of the statute limited the right of the defendant company to charge, or exact, or receive anything in excess of the amount therein provided for services rendered in the furnishing of lights. It might have said in this section of the ordinance that this maximum charge shall include the use of meters. If it had said that, clearly, any charge in excess for services rendered, including the use of meters, above that provided for in the ordinance as the maximum rate to be charged, would be a violation of that section.

In the second section it is provided that nothing shall be received, in addition to the maximum rate, for the use of meters, for it says that it shall

not exact or receive any compensation for the use of meters or other devices for the measuring of light or power furnished. The whole ordinance must be read together. It all deals with one thing—the services to be rendered the inhabitants of the city, under its franchise, in the supply of electric light or power to the inhabitants of the city. The maximum rate is fixed, and this maximum rate, by the provisions of the ordinance, covers the use of meters.

To illustrate: The law prohibits one dealing in a commodity from charging more than a certain fixed sum per pound; fixes a maximum rate per pound as the selling price for the commodity. To ascertain the weight, it is necessary to weigh the article. With a maximum rate for the article fixed at a definite sum, would it be reasonable to suppose that the seller could add to that fixed selling price a sum for the trouble and bother of weighing the article to ascertain its weight, and increase the cost of the article to the purchaser by the sum charged for services rendered in weighing it? To charge for the commodity the maximum price fixed, and then, under the guise of a separate charge for services, add to the price of the article to the consumer, would be indirectly accomplishing that which the law itself prohibited.

The act of the municipality in fixing the rate, is purely a legislative act, done by virtue of the authority given it by the Legislature. It is presumed to have been in the proper exercise of the power conferred, and the rate established by the ordinance is presumed to be reasonable, and, if attacked on the ground that it is unreasonable, the only question which the court can consider is, will its enforcement operate to deprive the defendant of fair compensation or remuneration for the services rendered.

See *Gas & Light Company vs. Cedar Rapids*, 144 Iowa, 426, and authorities cited.

The company is entitled to a fair return for the services rendered. It is not contended in this case, that the maximum rate fixed in the first provision of the ordinance does not bring to the defendant, and did not bring to the defendant, a fair compensation for the services rendered by it to the inhabitants of the city. Where a maximum rate is fixed for services rendered, that rate controls and fixes the liability of the consumers to the company for the services rendered. It can-

not, by indirection, add to the burden of the consumer beyond the maximum fixed by the ordinance. The inhibition of the ordinance goes to the act of charging or receiving more than the maximum rate provided in the ordinance itself.

As said by the Supreme Court of Alabama in *Montgomery Light & Power Company vs. Watts*, 26 L.R.A. (N.S.), page 1109, 51 Southern Reporter, 726:— “It will not do to say that the charge fixed was only for the gas, and does not refer to the meter. The meter belongs to the company, and is placed there by it in order that it may ascertain how much gas is being consumed. * * * It may adopt any means suitable and accurate for ascertaining the number of feet consumed, and the customer cannot direct or provide what means shall be used; his only concern being that he receives the service and is not charged more than the rate fixed by law or the contract.”

It must be borne in mind in considering this question, that whatever the contractual relations may be between the defendants company and the city, (the franchise ordinance not being before us), the company was operating under the ordinance hereinbefore set out. Presumably, the agreement of the company with the city is for the benefit of the consumers. It agrees to furnish its product at so much per cubic foot, and it follows, that it must necessarily find instrumentalities with which to measure the cubic feet.

As more directly bearing upon this point, see *Capital Gas & Electric Company vs. Gaines*, (Ky.), 49 Southwestern, 462, in which the right to charge for meters was involved. In this case it is said:— “To agree to supply gas to private consumers is, in effect, agreeing to make and deliver the gas. The amount named to be paid by the consumer is for a thousand cubic feet of gas delivered. If an account is to be kept of gas delivered, a meter is necessary, and, as the appellant is to deliver the gas at a stipulated price, it would be in contravention of the terms of the contract, as evidenced by the writing, to prove a usage which would require the payment of a sum in addition to that stipulated in it, “(to-wit, meter rent).

See also *Gas Co. vs. Dulaney*, reported in 38 Southwestern, 703, where it is said:— “The gas meter is the property of the company, and it

is as necessary to the company, in the measurement of gas as are the works for its manufacture. * * * While the consumer may cause it to be inspected, and may test the accuracy of its work, his concern is only to ascertain and pay for what gas he has consumed, and cannot be called on to pay for the apparatus used in its measurement, any more than he may be made to pay for the machinery used in its manufacture. He is required to pay the legal rate for the quantity consumed, and this quantity must be ascertained by the company by some correct method. The company can only charge for the quantity it actually furnishes, and to ascertain what it furnishes, it must measure it."

We cite these authorities as establishing this proposition that the plaintiff city had a right to fix a maximum rate to be charged by the defendant company for services rendered the inhabitants of the city in furnishing to them electric light and power at a fixed and maximum rate, which, by the terms of the ordinance, included the use of meters, for the section prohibits any extra charge for meters. The ordinance is presumed to be reasonable, and prohibits the defendant company from charging a consumer more than the maximum rate fixed. To charge and exact more than the maximum rate fixed, is a violation of the inhibition of the ordinance. This, we assume as the status of the case at the time it came before the court for determination. The defendant had exacted more than the maximum rate fixed by the ordinance, and did this under the pretense of charging for the use of the meter. In this, we think it was wrong. The general rule is, that where an ordinance or a contract discloses on the whole, an intent and purpose, where an intent and purpose are disclosed by the whole contract or ordinance, it will be construed, if possible, without doing violence to the language used, so as to make its enforcement and purpose consistent with the general intent made manifest in and gathered from the whole writing.

In all questions of this kind, the fact must not be lost sight of, that the defendant company is a service corporation. The purpose of its organization is to construct and maintain its system within the limits of the municipality, and to serve its inhabitants. The city, acting for the people, has a purpose and desire that the people should have the service offered. Therefore, the right to

serve is granted, and the restrictions that protect the inhabitants of the municipality from over-reaching are enacted. When the right to serve is granted with the restrictions, the restrictions become binding upon the service corporation. When a maximum rate is fixed for the service rendered, it cannot, by indirection, increase the burden to the consumer.

See *Johnson vs. State* 113 Indiana, 143, 15 Northeastern, 215.

Upon what theory a service corporation can adopt a regulation, or make a provision that will result in increasing the charge upon the consumer above the maximum rate fixed, we do not understand. The maximum rate fixed the burden as well as the right, and the exercise of the right cannot increase the burden.

If it had been shown in this case that the denial of the right to charge for meter rents made the maximum rate unreasonable and unfair to the company, a different question would arise. Here, there is no contention, no effort to show that the maximum rate fixed does not give to the corporation and full compensation remuneration for all the services it renders to the inhabitants of the city, under the authority granted to it to furnish service. As bearing upon this question, though not directly in point, see *City of Madison vs. Madison Gas Company*, (Wisconsin,) reported in 108 Northwestern, 65. See also *City of Buffalo vs. Buffalo Gas Company*, 80 New York Supplement, 1893. In the last case the defendant was engaged in manufacturing and supplying gas. An action was brought against it to recover a penalty for violating provisions of the statute. The provision alleged to be violated was in these words:- "No gas light corporation in the state shall charge or collect rent on gas meters, either in a direct or indirect manner." The trial court found a violation of the law. The court stated the proposition involved in these words:- "The distinct, specific issue, decisive of the general question upon this branch of the case is, whether such extra charge was directly or indirectly for rental of a meter, or whether as claimed, * * * it was a charge absolutely independent of meter rental, and designed to cover the general expense of the company in carrying the customer on its books, collecting bills, reading his meter, etc." The Court, in disposing of this branch of the case said:- "No method has

been devised of measuring the quantity of gas used by a consumer so efficient as the meter. Not only is the consumer entitled to be protected against imposition by some safe method of measuring the quantity which he uses, but it is essential and necessary for the gas company itself that such measurement and test should be accurate. Having in mind these facts, the law in question in effect provides, that the consumer shall be supplied with a meter, and that the same shall not only be furnished by the company without charge, but that it shall be inspected by officials designated for that purpose. The object of these provisions is very plain. They contemplate that the gas company, desiring to engage in such business, shall not take advantage of its customers, either by supplying an untrue meter, or by making them pay for the ordinary method of determining what has been consumed. We think such provisions are clearly within the power conferred upon the legislature to enact those laws for the public and general welfare, which are ordinarily known as police regulation. * * * Presumably, as a condition of securing from the municipality certain rights and privileges, a schedule of rates was adopted, which, taking into account the entire business, would yield adequate returns in the way of profits. The business of the defendant in the respect under consideration, is not materially different from any other large one. * * * A merchant who sells an article of trivial value, delivers it, charges it upon his books, and collects the bill, has the same experience which is complained of by the defendant. His profits, if at all, come through the entire volume of business charged, with the entire cost of conducting it."

See also John vs. State, (Indiana), reported in 15 Northeastern, 215; Smith vs. Capital Gas Company, 132 Cal., 209, reported in 54 L.R.A. (O.S.) 769.

The primary thing for which compensation is made, and to compensate which rates are fixed, is the service to be rendered by the service corporation to the city and its inhabitants, especially to the inhabitants of the city. The rates fixed should be remunerative. Until the contrary appears, they are presumed to be remunerative. The mind of the legislative body has before it the services to be rendered, and, presumably, it fixes compensation for the services that is just and equitable between the parties to be affected.

If, in the case at bar, the city had stopped with the first provision of its ordinance, and fixed only the rate for supplying electric light to the inhabitants of the city at 10 cents per kilowatt hour, and had prohibited the defendant from charging or exacting or receiving anything in excess of that amount for supplying electric light, it might be doubtful whether we could assume that this included compensation for the use of meters. It was the duty of the city to fix the rate which would afford a fair compensation to the defendant for supplying electric light to the citizens of the town, and if nothing further was said than appears in the first provision of the ordinance, we might not be in a position to assume that the amount fixed therein was for more than supplying electric light. But, when we consider the second provision of the ordinance—keeping in mind always that the city was fixing a fair remunerative rate for services to be rendered the inhabitants of the city,—we have no trouble in determining that the provision in the first section of the ordinance covers the entire service, for the second provision prohibits charging more than is fixed in the first provision, and negatives the right to charge, or exact, or receive anything for meters. So we hold, that the first provision of the ordinance fixed the maximum rate which the defendant was entitled to charge for all service in supplying electric light to the inhabitants of the city; that this included all the services to be rendered in supplying electric light, and, when taken in connection with the second section of the ordinance, expressly negatives the right to charge more than this maximum rate.

We must assume for the purposes of this case although the question is not gone into—that in the instant case, the defendant had charged the maximum amount provided for in the first provision of the ordinance, and in doing the thing changed against it, it exacted more than it was entitled to exact under the first provision of the ordinance, or more than the maximum fixed by the ordinance, although it is claimed to be charge for meter rent. A meter was essential to the service, because it was servicable in determining the amount to be charged, and the extent of the service rendered. Therefore it follows, that the defendant was, as charged, violating the provision of the ordinance in exacting, in addition to the maximum rate fixed, compensation for the use of

its meter. We do not mean to hold that the city could not fix a maximum rate for supplying light, and, in addition, fix a rate for meter service, for we would assume that if such had been done, it was the judgment of the legislative body creating the ordinance, that such compensation would be fair and remunerative, just as we assume now that the first provision of the ordinance gave fair and remunerative compensation for all service, without charge for meters. It follows, therefore, that as the defendant, as we assume it did, exacted and received ten cents per kilowatt hour for electric light supplied by it, it violated the ordinance in exacting more, even though it did this under the pretense of exacting it for meter rent.

It is not necessary to decide here, under this record, whether a maximum rate for supplying electric light, necessarily includes the supplying of meters, because the very wording of the ordinance itself indicates that it was the purpose and intent of the legislative body creating the ordinance, to include all services within the maximum rate fixed.

As bearing upon this question see McQuillin on Municipal Corporations, Volume 4, Section 1729, in which it is said:— “If the price of the supply is fixed by contract or otherwise, the company has no right to require consumers to pay meter rent in addition to the regular rate. So where the rates are fixed, they cannot be increased by charging a certain sum for taking readings of meters.” Citing authority.

See also Abbott on Municipal Corporations, Volume 3, Section 915, in which it is said:—“The right of the licensee to fix the rates at which its commodities or services may be supplied and furnished, may be limited by conditions in the license, grant or statutes. Or, again, by the universal rule which prevails that in the absence of express restrictions, rates charged must be reasonable. This latter principle is based upon the idea that persons or corporations carrying on the business of furnishing light, water, power or transportation, are to be regarded as engaged in a quasi public business. * * * The state or its subordinate agencies, under these conditions, retains the right to limit charges to those which are reasonable considering all the circumstances under which they are supplied.”

In Section 913 of the same work, we find the author saying:—

“Where municipal or public quasi corporations possess the power of regulation, and exercise of that power is legislative in its character. * * * To municipal and public corporations is given by the state, the right to exercise certain governmental powers. There is a delegation of this right by the state to its agent. * * * Governmental powers are such as pertain to the sovereign, to be exercised for the benefit of the public at large.”

See also Wyman on Public Service Corporations, Volume 2, Section 1251.

AUTHORITY TO PROVIDE A FINE

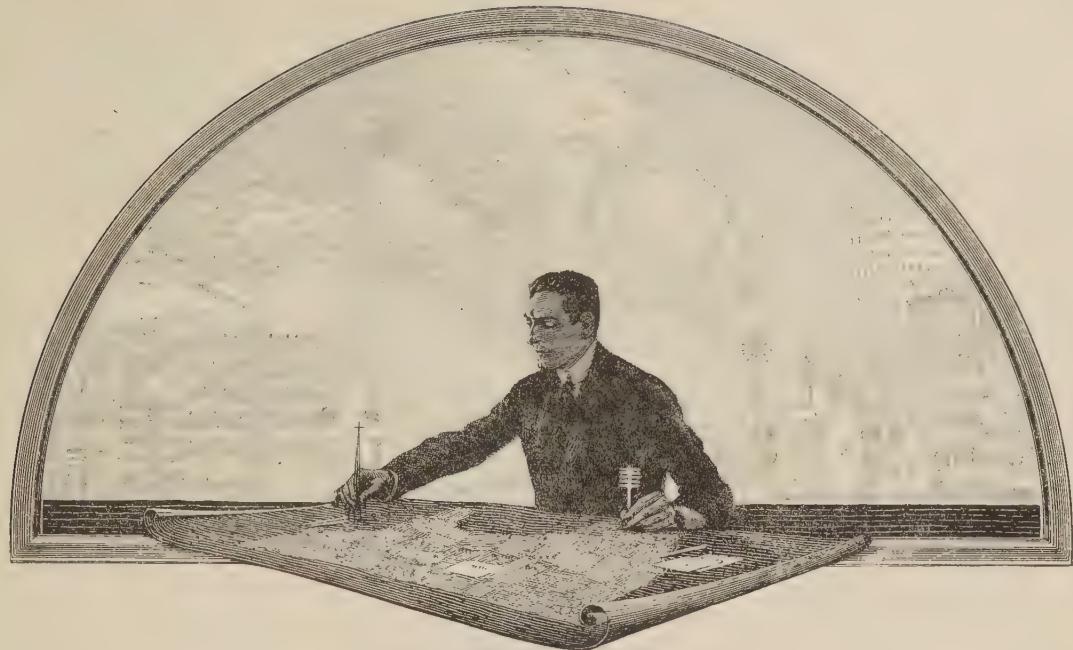
This brings us to a consideration of the second point urged, and this involves the authority of the city to impose a fine for a violation of the provisions of this ordinance.

The right to pass the ordinance has been discussed. If, in the exercise of its legislative power, it had a right to enact the ordinance, surely then it had a right to exact obedience to the ordinance. The power to enact obedience to an ordinance is found in Section 680 of the Code of 1897, and reads as follows:

“Municipal corporations shall have power to make and publish from time to time, ordinances not inconsistent with the laws of this state, for carrying into effect or discharging the powers and duties conferred by this title, and such as shall seem necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of such corporations and the inhabitants thereof; and to enforce obedience to such ordinances by fine not exceeding one hundred dollars; or by imprisonment not exceeding thirty days”.

The ordinance in question was an inhibition upon the right of the defendant company to charge, exact, or receive more than the maximum rate therein fixed. The charging, exacting, or receiving more was a violation of this inhibition. The inhibition was a part of the ordinance. The doing of the inhibited thing was a violation of the ordinance. Obedience to the ordinance, the city had a right to enforce, and, under this statute, to enforce it by fine not exceeding one hundred dollars, or imprisonment, as therein provided.

Therefore, having the right to enact the ordinance, the right to impose the inhibition, and the right to enforce the ordinance with its inhibitions, the method of its enforcement is clearly



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provided for in this statute, Section 680.

Judge Dillon in his valuable work on Municipal Corporations, 5th Edition, Volume 3, Section 1325, has somewhat to say upon this subject as follows:— “The legislative power to regulate the rates and charges of corporations rendering public service in a community, may be conferred upon such agencies, (referring to municipalities), as the legislature may deem proper. * * * If a city, in addition to the power to regulate rates, has, by statute, the power to impose fines and penalties for the violation of ordinances, it may, by ordinance, make it a misdemeanor for a water or a light company to collect or receive more than the maximum rate fixed by it. * * * The regulation of rates is governmental in its nature, and the power is intended to be exercised for the benefit of the inhabitants of the municipality. * * * After a valid rate has been fixed by competent authority, the rate so fixed is the limit of compensation which can be enacted by the corporation. It cannot decline to furnish water or light to a consumer at the rate fixed by law, and insist that he shall contract therefor at another and a higher rate. But if the service is not included within the cases for which the rates are prescribed by ordinance, the company may fix the rate for such service.”

A distinction must be kept in mind between the power to regulate rates, and the power to contract as to rates. The regulation of rates for public service belongs to the police power of the state, and, when delegated to the city, it belongs to the police power of the city. The power to regulate has been delegated by express terms, and, under this police power, it has a right to punish one who violates an ordinance fixing and regulating the charge to be made for public services rendered.

It is a matter of common practice in the large cities of this State, to fix by ordinance, the rates to be charged for public service, cab drivers, etc., and to provide by ordinance for fine or imprison-

ment in case more is exacted than the ordinance prescribes.

We assume, however, in this discussion, that the fixing of rates does not impair the obligation of any contract existing between the city and the public service corporation, or any franchise rights. The named question involved in this case, is the right of the city to enforce obedience to an ordinance fixing the rate to be charged by a public service company, and, having fixed therates, the right to provide for punishment by fine in case of violation. This question, disassociated from any contractual obligation or franchise rights, and without any question as to the reasonableness or unreasonableness of the provisions of the ordinance, we are satisfied must be answered in the affirmative.

Upon the whole record, we find no reversible error in the action of the court below, and the cause is affirmed.

AFFIRMED. Evans, C. J., Ladd and Salinger, JJ. concur.

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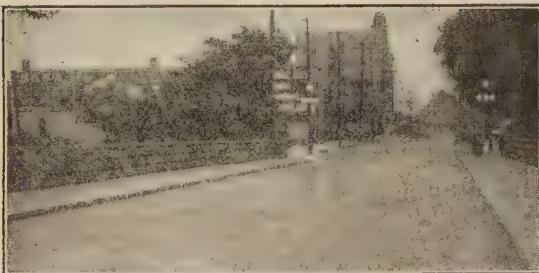
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Photograph No. 1



Photograph No. 2



Photograph No. 3



Photograph No. 4



Photograph No. 5

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Photograph No. 1—This concrete road on Sixth street, Mason City, Iowa, was built in 1912. This concrete pavement has been successfully repaired with Tarvia, thereby greatly prolonging the life of the road at trifling cost.

Photograph No. 2—Tarvia has solved the problem of what to do with a worn-out brick pavement. Such a pavement makes an excellent foundation for a wearing course of Tarvia concrete, giving a smooth, noiseless and durable surface at a very low cost. The old brick pavement on Grant Avenue, Vandergrift, Pennsylvania, was resurfaced with Tarvia.

Photograph No. 3—Plank floors on bridges wear out very rapidly. Traverse City, Michigan, covered the floor of this bridge with "Tarvia-X" and stone chips with good results.

Photograph No. 4—The least expensive way of keeping a road in a private estate or park is by using "Tarvia-B". Tarvia is applied cold, soaks into the road and hardens. It forms a handsome, dustless surface which is ironed out, not abraded, by traffic. This photograph shows the main driveway in Central Park, Nashville.

Photograph No. 5—For patching old roads of water-bound macadam or even sheet asphalt and brick, Tarvia with broken stone is ideal. These patches are easily and quickly made. Many cities now keep Tarvia on hand for ready repair of dangerous holes, replacements on account of openings in pavements, etc. This photograph shows a road in Hingham, Mass., repaired with "Tarvia-K-P".

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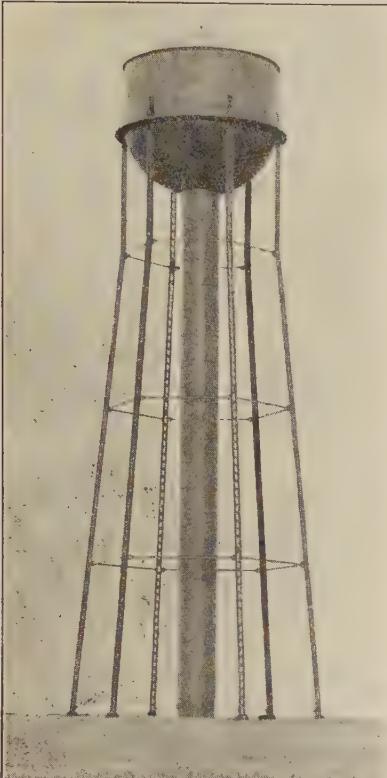
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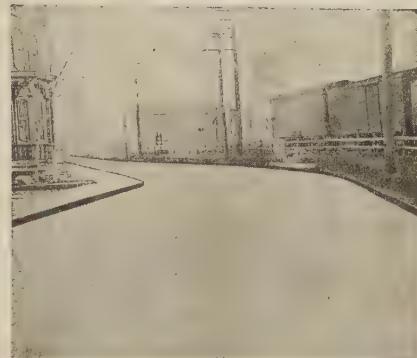
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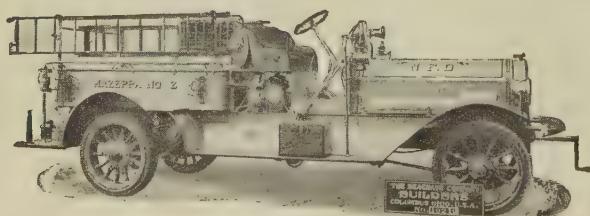
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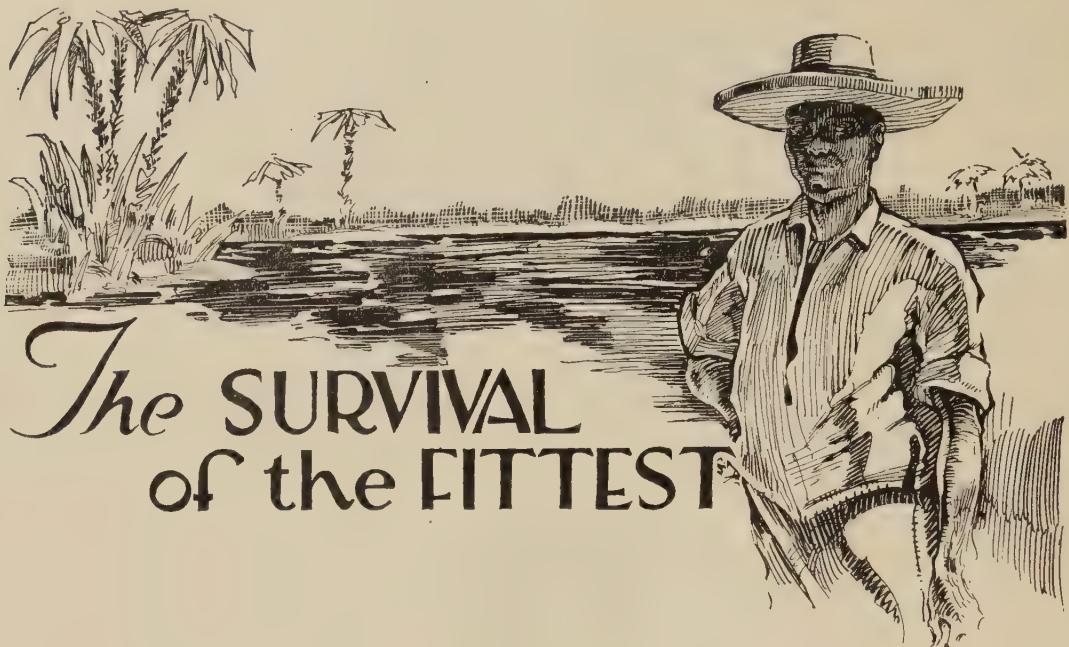


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Service tests covering more than 35 years prove that there is no asphalt "just as good" as Trinidad. The reason why of its unequaled durability is explained in "The Asphalt Primer." Everybody who is interested in good streets is interested in this book. A post-card request brings a copy.

**The Barber Asphalt Paving Company
Philadelphia, Pa.**

American Municipalities

September, 1916

Vol. 31, No. 6

Entered as second class matter December 1, 1911 at the Postoffice at Marshalltown, Iowa, under the Act of March 3, 1879.

OFFICIAL BULLETIN

League of American Municipalities

President, Mayor Martin Behrman, New Orleans
Secretary, Robert E. Lee, Baltimore

League of Iowa Municipalities

President, Dr. J. F. Cole, Mayor, Oelwein
Secretary, Frank G. Pierce, Marshalltown

League of Nebraska Municipalities

President, J. W. Mayer, Mayor, Beatrice
Secretary, Hon. Rosco C. Ozman, Lincoln

Published by

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Marshalltown, Iowa

Frank G. Pierce, Editor

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TO MUNICIPAL OFFICIALS

Municipal officials receiving American Municipalities need have no fear of incurring financial obligations. If you are not a subscriber, either the municipality you represent is a member of one of the Leagues of Municipalities listed above and you are entitled to a copy free, or the copy you receive is a sample copy.

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COMMENT

Municipal officials of Iowa should make arrangements to attend the annual meeting of the League of Iowa Municipalities at Dubuque, September 19, 20 and 21.

Remember the dates and be at Dubuque on the morning of Tuesday September 19, and remain the three days of the conventions.

An excellent program has been prepared and the papers and reports will be not only interesting but most instructive as well.

The entertainment arranged by the Dubuque committees assure every delegate a good time and you, if you are a municipal official, should arrange to take a little vacation and at the same time secure information that will be of the greatest value to you in your work.

Every member of the League may send as many delegates as desired and all delegates are entitled to take part in the deliberations of the convention.

In voting each municipality large or small has one vote and the delegates present cast the vote for the municipality they represent.

You will not regret the time and expense of attending the convention so you better make arrangements to attend.

Bills were mailed September 1, to all the members of the League of Iowa Municipalities for the dues for the current year and it will greatly help the work of the League if these dues are promptly paid and the amount sent in to the secretary.

The annual dues are small compared with the benefits of a League membership and no councilman should hesitate to vote in favor of allowing the bill.

Municipalities that are not members of the League are cordially invited to send delegates to the meeting at Dubuque.

Be sure that your city or town is represented at this great meeting of municipal officials.

League of Iowa Municipalities

Program of the Nineteenth Annual Meeting at Dubuque

The nineteenth annual meeting of the League of Iowa Municipalities will be held at Dubuque, September 19, 20 and 21.

This promises to be the largest and most important meeting the League has ever held. The officials and business men of Dubuque have arranged an excellent entertainment for the delegates. The many important questions that will be discussed by men who have made a special study of the problems, will make the meeting not only interesting but valuable to the delegates as well.

The League now has a membership of over four hundred cities and towns and from the reports already received a large per cent of these municipalities will be represented at the convention.

Every city and town in the state, whether a member of the League or not, is invited and urged to send delegates, and take part in the deliberations of the convention.

The headquarters of the convention have been established at the new Hotel Julian Dubuque, where the delegates will register on their arrival.

The program is as follows:

Tuesday, September 19

MORNING

8:00 a. m. Reception and Registration of Delegates, Secretary's Room, Hotel Julian

10.00 a. m. Call to Order

Address of Welcome, Hon. James Saul, mayor, Dubuque

Response and President's Annual Address, Hon. J. F. Cole, Mayor, Oelwein

Report Secretary-Treasurer, Frank G. Pierce, Marshalltown

Report Committee on Legislation, Hon. Geo. W. Koontz, Mayor, Iowa City

Paper State Legislation, Hon. J. D. Glasgow, Mayor, Washington

Discussion by Delegates

Appointment of Committees, Auditing, Resolutions, Question Box

General Business

AFTERNOON

2:00 p. m. Report Committee on Judicial

Opinions, Hon. T. V. Walker, City Attorney, Denison

Discussion by Delegates

Paper Municipal Improvements, Hon. R. J. McKee, Stuart

Discussion by Delegates

Report Committee on Street Paving, Hon. James Saul, Dubuque

Discussion by Delegates

Paper Municipal Electric Lighting Plants, Chas. E. Warner, Superintendent Water and Light, Ames

General Business

Reports of Municipalities

EVENING

8:00 p. m. Report Committee on Taxation, Hon. H. H. McCleery, Councilman, Washington

Discussion by Delegates

Paper Municipal Home Rule, Hon. J. R. Hanna, Des Moines

Discussion by Delegates

Wednesday, September 20

MORNING

10:00 a. m. Report Committee on Municipal Accounting, Hon. R. J. Degon, Auditor, Waterloo

Paper Poll Tax Collection and Accounting, Hon. J. T. Lynch, Clerk, Ottumwa

Paper Municipalities and the State, Hon. Ora Williams, State Document Editor, Des Moines

Discussion of Report and Papers by Delegates

General Business

Reports of Municipalities

AFTERNOON

1:00 p. m. Department Meetings, Cities Under General Law, Hon. W. F. Baker, Mayor, Decorah, Chairman

Cities Under Commission Plan, Hon. T. A. Potter, Mayor, Mason City, Chairman

Cities Under Manager Plan, Hon. W. V. Bates, Councilman, Clarinda, Chairman

Towns, Hon. F. E. Blackston, Mayor, Garner,
Chairman

Attorneys, Hon. Carl H. Lambach, Chairman
Clerks and Auditors, N. B. Egbert, Estherville,
Chairman

Engineers, Wm. Steiner, City Engineer,
Marshalltown, Chairman

Water and Light Commissions, Hon. B. F.
Stedman, Dubuque, Chairman

4:00 p. m. Automobile Ride About City

6:30 p. m. Banquet at Dubuque Club

Thursday, September 21

MORNING

9:00 a. m. Report Committee on Sewerage
and Sanitation, Hon. C. A. Wenstrand,
Mayor, Shenandoah

Discussion by Delegates

Paper, Water, Hon. F. H. Burlingham, Clerk,
Oelwein

Discussion by Delegates

10:00 a. m. Special Order of Business

Election of Officers

Election Place of Next Meeting

10:30 Reports of Department Meetings by the
Chairman

Discussion by Delegates

General Business

AFTERNOON

1:00 p. m. Report Auditing Committee

Report Question Box Committee

Report Resolutions Committee

Unfinished Business

General Business

Adjournment

LEAGUE OF AMERICAN MUNICIPALITIES

The annual meeting of the League of American Municipalities will be held at Newark, N. J., September 6, 7, and 8. This promises to be one of the best meetings the League has held and will be in connection with the two hundred and fiftieth anniversary of the founding of Newark. Robert S. Lee of Baltimore, is secretary of this organization.

The village of Hanover, Illinois, will receive bids for a local electric distribution system, in the Town Hall at 8 P. M. Sept. 12, 1916. Plans and specifications may be obtained from David G. Fisher & Co., 212-214 Whitaker Building,

Davenport, Iowa. Deposit of \$10.00 required and will be refunded on return of papers.

STRIKES AND PUBLIC OWNERSHIP

You see no strikes among letter carriers, do you?

You wouldn't see railroad strikes or street car strikes either, if the public owned the railroads and the street cars, as it should own them.

Public necessities should be managed only for the public interest. Instead of that they are managed, from the inside, with an eye to the pocketbooks of private owners, and, from the outside, with an eye to the profits of employes and the glory of labor leaders.

There should be neither private dividends, nor individual labor leader glory in the management of things upon which the public absolutely depends.

Telephones, telegraphs, street car companies, railway companies, lighting plants, all absolute necessities, should be owned by the people, managed by them, with employes well paid, no question of strikes, but fair arbitration, courts for settling wages and hours.

Every strike in a public corporation is another argument for government ownership.

Look at the postoffice—strikes do not interfere with delivery of your letters or your parcels post.

Many ignorantly opposed the parcels post at first, yet in case of a great strike of railroads and street cars, the parcels post might be the only possible means of getting food to the people.

For the government has power, and can enforce its right against all, without hiring gangsters and without fear or brutality.—N. Y. Journal.

SEWERAGE SYSTEM

Bids will be received up to 1 o'clock P. M. September 21st, 1916, for sewer construction at Griswold, Iowa. Approximate amounts 8 inch pipe 18,110 lineal feet. 10 inch pipe 2,100 Lineal feet 12 inch pipe 1564 lineal feet 12 inch pipe 6270 lineal feet 48 manholes and 5 flush tanks.

Plans and specifications are on file with
C. E. Woodrerd (Clerk) Griswold, Ia.
J. H. Mayne (Engineer) Council Bluffs, Iowa.

You will always regret it if you fail to attend the League meeting at Dubuque September 19, 20 and 21.

ADMITTED EFFICIENCY

There is an old story that, John Johnson is the best lawyer in town, in fact, he admits it himself.

In the same way the city manager plan is the most efficient, in fact the different city managers admit it. It is seldom a safe plan to accept the evidence of interested witnesses without careful investigation. So it is seldom safe to accept the evidence of city managers or city commissioners that the particular plan they represent is the best in the world because they are directly interested, when they assert that the plan results in efficient administration, they place garlands of roses upon their own heads, because they are admitting and claiming and insisting that they are efficient governmental agencies.

Thus "The Municipal Searchlight" published in Dayton, Ohio, questions some of the claims of efficiency made by the manager of the cash register town. In a recent issue the purchasing department is mentioned. One efficient purchase was the buying of six old scoops at an auction sale for eighteen dollars. Any one is apt to be handed a lemon at an auction sale but a purchasing agent should be immune from the blandishment of the exponent of going, going, gone.

It seems that the price of fireman's uniforms have gone up about five dollars and are now made in Cincinnati instead of Dayton. If memory serves correctly the Dayton manager is a former Cincinnatian and it might be that he still feels a friendly interest in the commercial welfare of the metropolis of southern Ohio.

The editor of "The Municipal Searchlight" certainly has a grouch against the present plan of Dayton government and irrespective of his motive in presenting the facts he does to the people, he is doing valuable work for the people and taxpayers as it is always a good and safe plan to have both sides of a debatable question presented to the judges, who are in the case of municipal government the voters.

In any event it is well to be suspicious at all times of interested evidence, and in the discussion of different plans of municipal government, be sure that the witness in giving evidence as to the success of any particular plan is not in fact giving evidence to his own ability and efficiency.

ANTI-SMOKE LAWS VALID

"So far as the Federal Constitution is concerned, we have no doubt the state may by itself, or through authorized municipalities, declare the emission of dense smoke in cities or populous neighborhoods a nuisance and subject to restraint as such; and that the harshness of such legislation, or its effect upon business interests, short of a merely arbitrary enactment, is not valid constitutional objection. Nor is there any valid federal constitutional objection in the fact that the regulation may require the discontinuance of the use of property, or subject the occupant to large expense in complying with the terms of the law or ordinance."

In this language of Mr. Justice Day, the United States Supreme Court sealed the validity of municipal anti-smoke legislation in the recent case of Northwestern Laundry et al. v. city of Des Moines (36 Supreme Court Reporter, 206).

Plaintiffs sued to enjoin enforcement of an ordinance adopted by defendant city, which provided that the emission of dense smoke in portions of the Iowa city should be a public nuisance, and prohibited the same. To that end the ordinance authorized the appointment of a smoke inspector, and otherwise dealt with the subject with a view to effecting the prohibited purpose declared. It was insisted by plaintiff that the ordinance was void because its standard of efficiency required remodeling of many existing furnaces, because licenses for such remodeling were required, because the smoke inspector and the smoke abatement commission were given unrestrained discretion to prescribe equipment requirements and because the ordinance does not operate uniformly throughout the city. All these and numerous minor objections against the validity of the ordinance were overruled by the Supreme Court.

PAVING AT CLINTON

Clinton recently let a contract for 16,000 yards of brick block paving at \$2.10 a yard. The low bid on asphaltic concrete was \$1.59 but the Clinton council evidently believes that the brick block at the higher price is cheaper in the long run.

When writing advertises be sure to mention American Municipalities.

Experts in Valuation Cases

— Morris Llewellyn Cooke, in *The Utilities Magazine*

Valuations in utility cases have assumed a place entirely out of proportion to the intrinsic importance of the subject. As was said by Alonzo R. Weed, chairman of the Massachusetts Gas and Electric Light Commission in deciding the Northampton (Mass.) gas case: "The manner in which such value has been created, the policy pursued in the issue of securities, the intelligence, honesty and prudence of the management—all have an important bearing on the amount of the divisible among the stockholders." But inasmuch as the private companies are insisting that hair-splitting valuations be made the paramount issue in every rate case, it behooves those representing the public interests in these matters to be on the watch lest error creep in at this point.

Whether it be in determining the book cost, or reproduction cost new, or any other variety of value—for buildings, land, mains, lines, apparatus, or utility plants as a whole—the estimates made by engineers employed by private companies are invariably not only much higher but quite frequently nearly double those put in by the experts for the public. No matter how "honest" the so-called valuation expert may be, "the rules of the game" seem to bar him out from a result such as the average everyday business man would consider fair in his own business. There are, of course, a very few distinguished exceptions to this general rule—principally among the ranks of those engineers who refuse court work, or who insist that the engineer for the other side check up their inventories and unit prices before submitting them to the court or commission. But most of the valuations made for rate cases by those in the employ of the private companies are based on theories in which the public has no interest—unless it be to combat them.

Those having the public interest in charge would be well advised to consult the records a bit before employing any engineer either to make or to check such a valuation. It is usually an uncertain practice to employ a man who has not done some work of this general character and who thus has

placed himself on record as to his general economic principles and point of view as to what constitutes justice as between public utility companies and the public they serve. It usually happens that valuation experts who believe that 1x0•2 in public utility properties can't conceal the fact. The more recent such work the more reliable it is in testing the expert's present day beliefs.

There is an abundance of testimony tending to show that the private utility companies put in these inflated valuations, not because they necessarily believe in them, but because they think—and not without reason—that they will deter the commissions and the courts from accepting the lower valuation put in by the public. A five-million dollar valuation made with the utmost care and the nicest regard for the equities and presented by the public representatives is immediately placed under suspicion when confronted by a fifteen-million dollar estimate on the same property put in by the company. This is true whether the larger estimate is a sincere one or not. To argue otherwise would be to hold that public service commissions and judges are not human.

This difficult situation is likely to continue until the public—and especially the engineering profession—begins to classify valuation engineers much as medical men are classified into "quacks" and regular practitioners.

It has often been suggested and the suggestion seems to deserve consideration, that one of the causes of pavement wearing out so rapidly is the sand and gravel that is scattered over it from leaky wagon boxes. Most of the gravel is hauled in boxes that are not tight and allow it to run out on the pavements as the wagons pass along the streets. This gravel is in fact granite, and the traffic on it grinds out the pavement very rapidly. The remedy, of course, would be to use tight boxes for hauling gravel.

Do not fail to take in the convention this month. It will certainly pay you.

Municipal Bond Issues

By Andrew Price, of John E. Price & Co., Seattle, Wash.

Enormous increases in investment capital; scarcity of demand for money in the ordinary channels of business; unusual caution on the part of all investors; exemption of municipals from present taxation and reasonable assurance of like freedom from future taxation for war and other purposes—all these and many other elements have made for increasing values of municipal bonds. But it is to be noted that the municipalities themselves have contributed little or nothing to the advancement in value of their promise to pay—rather that the advance has been in spite of many abuses in municipal finance.

It, therefore, seems opportune to emphasize some time-worn "don'ts" and some of the more recently accepted reasons for correct municipal financing, for the guidance of counties, cities, towns and districts and also as a reminder to bankers—who frequently are the most important counselors of such corporations—as well as to the dealers in such securities.

The why of a municipal bond is as important as the reason for the creation of any other form of debt. It is fundamental. If the purpose for which a community pledges its credit is not meritorious, the issuance of bonds therefor, even at a low rate of interest, can be no more sustained than the debt created by the proverbial woman "bargain hunter" when she "charges" the cost of an injudicious purchase to her husband's account. Value has not been received, for the thing acquired was not needed and the burden on husband—taxpayer—is severe and often ruinous.

The "why" of a railroad aid bond in this day and age is a minus sign and those of our northwestern municipalities that are indulging in this form of prostitution of municipal credit will surely rue the day they permitted themselves to be led astray by scheming promoters and contractors.

There are many instances of less willful, but none the less injurious, issuance of municipal bonds, the "why" of which cannot be sustained by the test of conservative business reasoning.

For example: A highway district in a neighboring state last week sold \$36,000 bonds, \$6,000 of which were to be used for improvements and betterments of existing roads and bridges—a worthy purpose. The remaining \$30,000 were specifically authorized by the voters and can be used for no other purpose than to aid in the construction of a bridge, the major part of the cost of which is to be paid by the county. The county has not sufficient funds to take care of its shares and is not disposed to even try to provide them, and it is very questionable if the bridge will ever be built. Is there—under these circumstances—any reason why this district should sell the entire \$36,000 bonds with a fair certainty of having to pay 5 1-2 per cent interest on them for 10 years?

This last instance of injudicious sale of bonds is cited for two reasons: First, to show that the purpose of part of the issue was wrong at the time of sale; and second, that the district selected the wrong time to sell its securities.

The when of municipal financing finds its answer in the actual requirements for money of the issuing community.

Borrowing long in advance of anticipated need is fundamentally wrong, except in rare cases. The actual loss of interest resulting from this practice on the part of some of our cities has far exceeded the possible benefits that have accrued, and has frequently resulted in substantial losses in prices such cities could have obtained had they waited until about the time funds were needed. The danger of endeavoring to anticipate the market is now especially to be guarded against. It amounts to nothing more or less than speculation.

A corollary to the proposition as to "when" a municipality should offer its bonds is that it should guard against coming into the market when there is a good supply of like bonds available from other municipalities, or when another municipality which covers all or part of the same territory, is offering its securities.

A discussion of "how" to issue municipal bonds of necessity is technical and can only be

briefly touched upon in a paper of this character. It has been my observation, however, that the best prices are obtained for bonds by municipalities that

First—Have all proceedings leading up to and authorizing the issuance of bonds prepared by a recognized firm of attorneys specializing in municipal securities.

Second—That offers to furnish the buyer not only an original signed opinion of such attorneys, addressed to the buyer, evidencing the regularity and legality of such bonds, but also a full certified transcript of all proceedings relating thereto.

Third—That publishes a notice of sale of their bonds in the leading financial papers of the country for not less than twenty days prior to date of sale. Such notice should be full and should clearly set out all details of the proposed issue and should impose no unusual or arduous conditions upon any bidder. The requirement of the use of specially prepared bidding blanks is unnecessary and frequently deters many intending bidders. It should be clearly understood that the successful bidder will be afforded ample means and opportunity—say twenty to thirty days—with which to satisfy himself as to legality of the issue and within which to take up the bonds if the opinion of attorneys of national prominence is not furnished. The call for bids should also agree to deliver the bonds, free of cost, at some bank in the city within which the home office of the buyer is located.

Fourth—That furnishes an exhaustive financial statement fully and truthfully setting out the exact financial condition of the municipality.

Fifth—That prepare or have their bonds prepared in conformity with the exacting requirements of the investing public—providing for the serial retirement thereof within the life of the improvement for which they are authorized, for semi-annual interest and payment of both principal and interest in New York or New York exchange, and providing for the registration of principal (registration of interest is not now generally desired and frequently unwise) and have their bonds certified by some recognized agency as a protection against the possibility of distribution of counterfeit or forged bonds.

Sixth—And finally, that assures to the purchaser of their bonds that his market therefor will

be protected for a reasonable period by agreeing not to offer any additional bonds within such period without his consent.—Pacific Banker.

GOOD CITIZENSHIP NECESSARY FOR GOOD GOVERNMENT

Judge Bausman of the Washington Supreme Court in an address before the Municipal League of Seattle presented the problem of municipal government in the following sensible words:

"Progress in municipal government depends upon quality of citizenship, not on the form of government used."

"An efficient form of government carried on by a zealous body of public officials backed by loyal, unselfish citizenry is sure to accomplish more desirable results than a more nearly perfected form of government left to shift for itself."

"An intelligent body of unselfish citizens with no axes to grind and no personal ambitions to gratify, accomplishes the lasting results in municipal progress. The obscure man, the man who lends support without ostentation is the vital force which compels honesty and efficiency in city government. There is something fine, something heroic in this silent, reliable, steady spirit of citizenship something which draws out the good qualities of those in whose hands the reins of government is placed."

MUNICIPAL LEAGUE SHOWS GOOD JUDGMENT

The Municipal League of Seattle recently passed a resolution commending Mayor Gill for his enforcement of the prohibition law. Resolutions of this kind are certainly a relief from the usual form of resolutions of censure. Civic organizations are usually quick to condemn but slow to commend. They will learn some day that they will get better results by jollying the officials than by knocking.

We are all human and we like a little bunch of flowers once in awhile even if we have a sneaking idea we are not entirely entitled to them. We look with more favor upon the man who tells us we are all right, than on the one who tells us we are the scum of the earth. If the Municipal Leagues of this country carry out the policy of the Seattle and Los Angeles leagues of giving credit when credit is due they will find one of these days that they really have considerable influence with the man behind the gun, the Municipal official.

Reports of Iowa Municipalities

WAVERLY

Population—3,205.

Expended for improvements during the year ending December 31st, in round figures:

For new concrete dam, retaining walls and consequent flowage rights, so far as settled, \$8,710.00.

For addition to plant, including gates, trash racks and retaining walls, \$3,680.00.

For additions to electric line, \$2,110.00.

Total \$44,500.00.

PELLA

Population—3,021.

Among the little cities of Iowa there is none more progressive than the city of Pella, situated on the divide between the Des Moines and Skunk rivers, forty-seven miles south-east of Des Moines, with a population of 3,100 with its modern homes and beautiful lawns and no saloons and the home of Central College makes Pella an ideal place to live in.

During the past seven years Pella has put in an up-to-date water system the total cost of which was \$86,849.00 and a electric plant that cost \$45,000.00. It has 1½ miles of pavement and cement walks throughout the entire city; we have 9¼ miles of sewer and a contract let last fall for 2¾ miles more which will be finished in the spring making 11 miles in all, we have 13½ miles of water mains, of this 18,000 feet was laid last year the city has a car load of mains on hand for further extensions, about three miles of curbing was put in last year and more will be put in this year. A petition was presented to the council at its last meeting for about three miles of paving, this may not be put in this year but will come sooner or later. Our water works is not yet on a paying basis but we expect it to be in course of time. The light plant, however, is on a good paying basis it takes care of all operating expenses and the interest and bonds are being paid from the earnings of the plant, in fact it is paying so well that the city paid off \$6,000.00 of bonds the past two months that were not yet due and that on a sliding rate of from ten to five cents

for light, and the city will pay off \$1,500.00 April 1st., leaving a balance against the plant of only \$15,000.00. A new \$48,000.00 High school building nearly completed and with civic pride abundantly in evidence on every hand Pella is forging ahead.

EAGLE GROVE

Population—3,387.

Sanitary sewers—16,233 feet, cost \$13,-760.60.

Storm sewer—1,192 feet, cost \$725.30.

Water main—8,360 feet, cost \$5,108.00.

Concrete paving—51,558 square yards, cost \$69,933.85.

Curb and gutter—40,341 lineal feet, cost \$21,286.71.

Sidewalk contracts—\$1,142.45.

Total—\$131,011.20.

DECORAH

Population—3,592.

Last year the city of Decorah awarded a contract for the construction of a sewer system and disposal plant to the Moore Sieg Construction Co. of Waterloo. The two main sewers have already been completed also several of the laterals and the work will be pushed to completion early in the summer. We will have about twelve miles of mains and laterals and a complete disposal plant.

For several years some of our streets have been oiled by private parties in a hit and miss sort of a way but last year under direction of the city one hundred blocks were oiled at a total cost of \$1,600. Oil was applied from twelve to thirty feet in width according to the character and location of the streets. In spite of the wet season the result was very satisfactory and the work will be continued. About half the cost was paid by the property owners and the balance by the city. In July oil was put on a dirt road for a mile and a half out of the city. This road is subject to heavy and continuous travel but was comparatively free from dust late in the fall. Two light applications annually would keep it in fine shape.

SPENCER

Population—3,005.

Paved approximately two miles of streets in the business section with sheet asphalt pavement at a cost of \$140,000.00. The contract price on this work was \$1.63 per square yard.

Constructed about one mile of sanitary sewer at a cost of \$4,500.00.

Constructed about three miles of water mains at a cost of \$9,300.00.

Re-wired the entire electrolier system in conduit at a cost of \$4,000.00.

Installed six one light traffic posts in the center of the street intersections in the business section of the city at a cost of \$300.00.

Extended the distribution system of the municipal electric plant at a cost of \$2,700.00.

Installed additional machinery etc. for the above plant at a cost of \$2,000.00.

Granted a franchise for a gas plant, which will cost, when completed, \$75,000.00.

Placed all telephone lines in the business section, underground in conduit, at a cost of \$5,000.00.

For the year 1916 the contemplated improvements are:

Paving, \$100,000.00.

Sewers, 10,000.00.

Water extensions, \$15,000.00.

Additions to electric plant, \$25,000.00.

MISSOURI VALLEY

Population—3,187.

10,575 lineal feet of three foot curb and gutter was put in, the contract price paid for part of this was 67 cents per lineal foot, and the other part 74 cents the same having been in two different contracts, the same man getting both jobs, the first one being the 74 cent and the last the 67 cent job.

A sanitary district was established and a two mill levy made to take care of this.

\$600.00 was spent in water works extension.

43,820 square yards of paving is to be laid next summer, bids to be received February 10, 1917, kind not determined at this time, this with the 25,168 square yards put in in 1914 which was brick and cost \$1.93 per square yard and a \$15,642.40 job of curb and gutter in 1913 which cost 93½ cents, and a \$13,000 job of curb and gutter in 1914 at a cost of 63 cents per lineal foot will make Missouri Valley one of the best paved

curb and guttered towns in this part of the country according to size.

MONTICELLO

Population—2,043.

In the last year we have completed the change in the water department from a flat rate to a meter system and from a steam proposition to an electric and in the two changes have cut the operating expenses from \$340 a month to \$150, and also increased the revenue from \$4,067.00 to \$4,600.00 and most of the patrons are paying less than they did under the flat rate and the revenues from the water department will pay all extensions and repairs that have heretofore had to be done by taxes.

We also built a central fire station at a cost of about \$1,200.00 in the central part of the city which places us in a better position in the matter of protection in case of a fire.

TAMA

Population—2,290.

The city of Tama started the year 1915 with a general improvement of the streets and roads. The commercial club was instrumental in changing the location of the Lincoln Highway, the new route bringing the traffic into the business district. The eastern approach to the city is marked by a beautiful cement bridge and the western one by two magnificent brick pillars in which the Lincoln monogram is worked out. Considerable grading was done on the streets, more so than has been done for years. Many new cement crossings were laid out and much new sidewalk constructed in the residence districts. The new \$60,000 school building was finished and the grounds artistically laid out.

About 3,475 feet of sanitary sewer was put in making connections with the system that had been previously laid. New water mains were also laid; in all about 2000 feet, 1,300 feet of four inch in the residence district and 700 feet of six inch in the vicinity of the Cherry Company's paper mill plant. The 700 feet of main makes for increased efficiency in the matter of fire protection, not only for the paper mill plant but for the city in general, for the fire apparatus of the mill is now at the disposal of the city and direct connections made with the reservoir, where an inexhaustible supply of water is on hand in case of necessity.

The city now has on hand about 1,400 feet

of fire hose 750 feet of which is absolutely new.

The city has established a system of signal lights for police protection. They are turned on and off by the telephone control and the marshall responds as soon as he sees them, getting in touch almost instantly with the trouble.

During 1916 Tama has planned for over a mile of sanitary sewer and about 2,300 feet of water mains.

The county expects to build a new bridge across the Iowa river inside the city limits that will cost about \$25,000.00.

The Cherry Company plant here was overhauled in 1915 and improvements to the extent of \$75,000 built into it making one of the finest mills of its kind in the country.

SHELDON

Population—2,941.

The municipal improvements made in the city of Sheldon, Iowa, for the year 1915 consisted of laying about 17,000 square yards of one course concrete paving, including curbing, and also the constructing of approximately 2,000 feet of storm sewer together with catch basins.

There is also under construction an improvement of the water system in the way of enlarging the water supply in the laying of tile, deepening well, and erecting a concrete dam, involving an expense of about \$6,000.00.

The proposed improvements for the city of Sheldon, Iowa, for the year 1916 are the laying of approximately 28,000 square yards of paving with necessary curbing, largely in the residence districts; and construction of about 1,500 feet of storm sewer including catch basins.

The filtering beds of the sewer disposal plant will also be resurfaced with sand.

CLARION

Population—2,065.

Municipal improvements consist of 7½ miles sanitary sewer and disposal plant, not yet complete at a cost of about \$44,000.00. General improvements about the city business and residence properties to the amount of \$85,000.00.

Improvements contemplated for this year:

Storm sewer and outlet at an estimated cost of \$15,000.00.

Water main extensions at an estimated cost of \$5,000.00.

Graveling four main roads from the city, \$6,000.

Modern 47 room hotel, under contract, \$40,000.

Three business houses, in one block, and a number of residences, \$21,000.

We had expected to pave about fifty blocks this year, but because of the delay in completing the sanitary sewer, we probably will have to wait another year before doing more paving.

ALGONA

Population—2,908.

We are only putting in sewers this year, we have five miles of paving and had to get in sewers before we increase in that line.

IOWA FALLS

Population—2,797.

During the year 1915 we paved about 13 blocks with asphaltic concrete.

We also graded, drained and gravelled two of our main roads leading into the city.

We spent about \$12,000 for new water main extensions, and connected up in addition to this six dead ends on our old water mains.

We put in two new sewer extensions costing us about \$16,000.

All of our water patrons were put on meters during the year.

Our street lighting system has been added to considerably by lighting some of the outlying streets.

For the year 1916, we have awarded a contract for about 64 blocks of asphaltic concrete pavement, amounting to \$105,000.

We contemplate spending about \$5,000 for another sewer extension, and this will also make necessary the extension of water mains

ELDORA

Population 1,995.

Eldora has completed over four miles of pavement and at the February meeting of the council will let a contract for the construction of one more mile. Several miles of deep sewer work was completed in 1915 and the water mains were extended to more completely cover the entire city. Metering water taps goes forward continually until there are now only a few securing service at a flat rate.

LEON

Population 1,991.

Ten and one-half (10½) miles of new sewers to its sewerage system, also constructed a new sewage disposal plant with Imhoff tanks and sand

filter beds large enough for the entire sewerage system. The total cost of these improvements being about \$50,000. In the near future an additional city water supply will have to be developed to meet the increasing demand, as the present source is limited to the one deep well.

MARENGO

Population 1,932.

The city council gave their special attention to the grading of the dirt streets and when the winter set in, they were in first class condition. The thing that will go down as the greatest achievement for the city council and which will result in the greatest benefit to the entire city of Marengo is the commencement of a sanitary sewerage system for our city.

TOLEDO

Population 1,626.

The city of Toledo oiled twenty-five blocks last year. There will soon be submitted to the voters the proposition of bonding the city in the sum of \$12,000, for water works improvement, which involves extending the mains, new stand pipe and increased water supply. These two undertakings cover the important elements of improvement in our city in the last two years.

JOINT MEETING IOWA-ILLINOIS
SECTIONS

AMERICAN WATER WORKS ASSOCIATION
Davenport, Iowa, Moline and Rock Island, Ill.

October 10, 11, 1916

October 10, Meeting of Iowa Section
10:00 a. m. Registration at Headquarters,
Hotel Black Hawk, Davenport

Address of Welcome

Round Table Discussion—Topics

1:30 p. m. Reading of Papers

4:30 p. m. Business Session, Iowa Section
Reports of Committees

Election of Officers

General Business

7:30 p. m. Reading of Papers

9:00 p. m. Smoker

OCTOBER 11, JOINT MEETING OF IOWA AND
ILLINOIS SECTIONS

9:30 a. m. Members of Both Sections will
Assemble at the Filter Plant, Rock Island Arsenal

Inspection of Filter Plant.

Inspection of Arsenal (If permission can be
obtained)

11:15 a. m. Leave Arsenal in Special Trolley
Cars

Trip to Bettendorf, Iowa, arriving Main Pumping
Station Davenport Water Co. at 12:30 p. m.

Luncheon at Pumping Station—Guests of
Davenport Water Co.

2:00 p. m. Automobile Trip. Visit to Reser-
voir Pumping Station, Davenport Water Co.

Visit to Pumping Station Rock Island Water
Works

Visit to Filter Plant Rock Island Water Works

Visit to Pumping Station and Filter Plant Moline
Water Works

6:00 p. m. Dinner in Moline—one dollar
per plate

8:00 p. m. Two Illustrated Papers

THE PLANTS TO BE INSPECTED

Davenport Water Company

Main Pumping Station—Pumping Capacity in two
Stages 27,000,000 gallons per 24 hours

Filters—Pressure, Mechanical, 8,000,000 gallons
capacity

Reservoir Pumping Station—Capacity 12,000,000
gallons

Rock Island, U. S. Arsenal

Gravity Mechanical Filters—Capacity 1,000,000
gallons

Rock Island Water Works

Pumping Station—Capacity 18,000,000 gallons

Gravity Mechanical Filters—Capacity 6,000,000
gallons

Moline Water Works

Pumping Station—Capacity 20,000,000 gallons

Gravity Mechanical Filters—Capacity 5,000,000
gallons

IOWA SECTION

R. N. Kinnaird, Chairman, Des Moines

Jack J. Hinman, Jr. Secretary-Treasurer,
Iowa City

Local Committee

J. P. Donahue, Davenport

C. R. Henderson, Davenport

D. G. Fisher, Davenport

ILLINOIS SECTION

Paul Hansen, Chairman, Urbana

Edward Bartow, Secretary, Urbana

Local Committee

Hon. Martin R. Carlson, Moline

Hon. J. A. Murrin, Rock Island

Mr. L. A. Fritze, Moline

Nebraska News

Edited by Roscoe C. Ozman, Secretary of the League of Nebraska Municipalities

Nebraska as well as other states and our municipalities are vitally interested in the laws enacted, in business developed, and in the preservation of places of historical interest. We have the three topics covered by a Nebraska newspaper man of experience, Mr. H. M. Bushnell, editor of the Lincoln Trade Review. Here are his timely observations on first, laws which cities and states pass that work a hardship on legitimate business; second, due praise for a water power project; and third, a call to preserve historical points,

* * *

A CRITICISM OF MUNICIPAL AND STATE LAWS

MAKING IT DIFFICULT FOR BUSINESS

Some day, there is going to be an awakening to the uncalled for methods adopted by local and state governments through a zeal for reform that is not reform. These methods put uncalled for burdens on business and not only upon the ability of people to do business, but they in many cases, in an underhand way, attack the integrity of business and in that way add to the business man's difficulties.

Injustices of this kind are evident in too many instances. A few years ago, the legislature of this state in a spasm of doubtful virtue, put upon the statute books, a special tax upon corporations, organized and doing business in Nebraska. These home companies pay their taxes in full on the valuation of their properties just as other people pay taxes in full on their property; but this was not enough. The building of home institutions and of home manufacturing must be penalized and so a short sighted and a narrow legislature put double taxation upon the very lines of business in this state that far sighted people have been attempting to encourage and build up through the years.

In municipal affairs, the same narrow and contracted spirit shows itself too frequently. A lot of people whose principal business seems to be to attack industry and development, urge extra

burdens on business activity and too often municipal officials listen to this class and carry out their ideas. Any man in business or in touch with business, can recall in Lincoln, instance after instance where unjust burdens and unfair regulations have been put upon different lines of business here. There is too much of a spirit to knock business success and business growth for the good of the city in its entirety outside of any injustice that is done to individual lines of trade.

This city and this state ought to be encouraging the largeness of business—ought to be encouraging the development of home institutions—ought to be exercising a friendly instead of an unfriendly feeling towards growth and advancement. There are too many in public life and out of it who seem to follow the idea that if a business is growing and prosperous that there must be something wrong about it and that it must be taxed back or regulated back to a more limited field of operation and they carry out such ideas in the guise of reform and "doing something for the people". No one can measure what it would mean for larger things in this state and city, if we could have a change in the spirit of those making laws, so that development would be encouraged and commended instead of the too prevalent conditions, as they now exist, of penalizing and punishing.

* * *

WATER POWER IN NEBRASKA

SHOWING WHAT CAN BE DONE

Recently there has been opened at the town of Boelus, the first large power plant that is utilizing the waters of the Loup River at that place for the development of electricity for commercial and municipal uses. It is a striking example of what can be done in this state if capital is given an opportunity to develop the waste power that it possesses. In the face of legislative obstructionists, in the face of the shoutings of crank politicians and in the face of unusual discouragements, capital has come to this state, made headquarters at Grand Island and shown at this town of Boelus

on the Loup River what can be done in developing electric power. The plant at that place has cost hundreds of thousands of dollars and now its main transmission line has been constructed and today scores of towns and cities, in a radius of seventy-five miles, are in line for the cheapest electricity that has ever come within the reach of electric consumers in that district. The Loup River has been harnessed and the power is available not only for lighting cities and towns but to light all along the way. Lines will run to farm houses supplying rural patrons and making possible town development through cheap power that has been one great draw back in manufacturing in this state. The illustration is a practical one, showing that this new power plant at Boelus is creating what ought to be a stimulus for creative work along similar lines in a score of other places and if this is once inaugurated there will be millions saved and millions of wealth created that the obstructionists so far succeeded in holding back.

We have seen in past legislatures, men, elected to represent the people, stand and vote to prohibit water power development in Nebraska, believing that they were conserving money when they continued to let the waters of this state flow on unused to the sea. This class of obstructionists seem to think that it is better to let the waters of this state go out in floods to the destruction of property on the great river leading to the Gulf, rather than to develop their use for development purposes in Nebraska. These people seem to think that they are conserving something when the waters of Nebraska are allowed to go unused and to waste.

There are others who are working constantly against development through theorizing on state ownership of power development in Nebraska. Theorizing on an impossibility—because this state as a whole will never go into the expenditure of millions for something from which only a certain section of the state can receive direct results.

There is no awakening that is so much needed in Nebraska today as an awakening to the realization of the millions that consumers of electricity direct and indirect are losing through the policy of making it almost impossible for capital to come here and develop the water power of the state. If what has been done at Boelus will overcome the obstructionists and their policy it will be worth

more to the people, ten times over, than the already great result, development is bringing to the people within reach of its transmission lines.

* * *

HISTORY IN FORTS AND PARKS

MISTAKES OF THE PAST

In a published item of events of forty years ago it was stated that the then Senator Hitchcock from this state had secured in congress the passage of a bill for the sale of old Fort Kearney. Had that action then been one to preserve one of Nebraska's most historical places, how we of the present day would appreciate it. What a beautiful national park could have been made at old Fort Kearney and how the history of that frontier post would have been made more secure through the preservation of the Fort and its grounds for all times. Today a few great lonesome cottonwood trees standing in the fields of grain is all that is left of that historical place. What mistakes they were when the old forts that marked the protecting places on the old Oregon and Overland Trails were destroyed by congressional action. Fort Laramie, just beyond the west boundary of this state in Wyoming, was another place with a history. This too has been sold and while yet some of the old buildings remain and are capable of restoration this old historical place is rapidly disappearing. Old Fort Laramie might yet be purchased back, retained and restored as a National Park. Why cannot the present Senator Hitchcock use his large influence to bring back one of the most widely known historical places at the time of the Overland exodus. Bring it back and restore and preserve it for the pleasure and happiness of those to follow after us of the present generation.

PREPAREDNESS FOR HEALTH

Dark rooms are dangerous storehouses for tuberculosis and other germs.

Bad air in a room makes children cross, and it is difficult to cure a sick person in such a place.

A window in every bedroom should be opened at night at least three inches from the bottom and three inches from the top.

"And what is this?"

"My bathing skirt."

"Oh yes: I thought it was a belt."

Information Bureau for Municipal Officials

All inquiries from officials of members of the League of American Municipalities, the League of Iowa Municipalities, and the League of Nebraska Municipalities, will be answered free of expense

T. J. W. 601—Has the council the right to sell a part of an unused street?

A council has the power to sell a portion or all of an unused street. They must first pass an ordinance vacating the street and then after the street is vacated they can sell it either at auction or private sale or dispose of it in any way they desire.

T. J. W. 602—Is the street and alley committee vested with power to cut down street in front of property owner without his consent. If so what form is necessary to proceed?

I doubt whether the street and alley committee have the authority to cut down a street without consent of the council. The council has the right to order a street cut down in front of a property owner without the property owner's consent, in fact, a property owner has nothing to say about it. In my judgment the right way to proceed would be for the council to instruct either the mayor or the street and alley committee to have the street cut down and then there could be no possible question of the right to do so.

L. J. 603—Our town is in need of additional ground for a cemetery, the cemetery lays inside the town limits and has been owned by a farmer who has been selling the lots, 12x24 at \$25.00. Now the town council offered to buy three acres of land adjoining the old cemetery, this land is also owned by the same farmer and is inside the town limits, and the farmer asks \$10.00 per lot of 12x24 feet which the town council thinks is out of reason as it would make about \$1,500 per acre.

Section 880 of the Code gives cities and towns the power to condemn land for cemetery purposes. I inclose you a statement of the law relating to condemnation proceedings and suggest that you go ahead and condemn the land that you desire for cemetery purposes. The law also gives you the power to levy a tax for the purpose of paying for cemeteries and also to levy a tax to maintain cemeteries. I would certainly advise that you do not stand for the hold-up your citizen

seems to want to force on the town, but go ahead and condemn the land.

J. G. E. 604—We want a copy of a good weed and grass ordinance, we have no ordinance on the cutting of weeds, relying on the state law and would like you to send us a copy suitable for town of 500.

The attorney general has held that the weed law passed by the last General Assembly and found in sections 1565-A and 1565-J inclusive supplement to the Code, takes away from cities and towns the power to pass an ordinance relating to weeds, but that the weed nuisance must be handled in accordance with the provisions of these sections..

So long as the power of the cities has been taken away in regard to weeds, of course we cannot legally pass an ordinance dealing with this subject.

E. M. C. 605—We seem to be running into a good deal of expense making grades for sidewalks; the council wants to know if the town is compelled to make these grades; could an ordinance be passed requiring property owner to make the grade himself if the town sets the linestake to show where the grade line is. If so, wish you would prepare us an ordinance to this effect?

According to section 779, Code Supplement, a permanent walk can not be ordered in until the street has been graded so that when the walk is completed it will be at the established grade. It is the duty of the town to bring the street to grade and you cannot compel the property owner to grade the street, neither can you pass an ordinance so providing.

C. S. R. 606—Is it unlawful for a farmer to work in his field on Sunday?

It would be against the law for a farmer to work in his fields on Sunday unless such work was a work of necessity, under section 5040 Code of 1897.

G. H. 607—Have just received blanks from the county auditor asking to make the tax levies on those blanks.

Now I don't understand what is meant by fire and water limits. Could you give me some idea, of how to describe the fire and water limits in their report?

The fire and water limits referred to in the blank of the county auditor is referred to in subdivision 5, Section 894, Code Supplement. In this section providing for a tax for water works where the water works are owned by the town are these words, "But such tax shall not be levied upon property which lies wholly without the limits of the benefit and the protection of such works, which limits shall be fixed by the council each year before making the levy."

In other words property that is not benefited by a municipal water works plant is not subject to the tax for water works purposes. Your council should before making the levy, fix the limits of such benefit.

L. A. P. 608—We have no water works system and want one. We wish to know if we have the right to levy a tax for a sinking fund for the purpose of erecting water works in a few years.

There is no provision in the law for levying a tax for construction of a water works plant before it is definitely decided to construct a plant. If you decide to construct a water works system you would probably be obliged to proceed under sections 1306-B and following Code Supplement. These sections provide that you must have an election at which two questions are submitted, first the question, "Shall a water works plant be established", and second, "Shall bonds in the sum of —— dollars be issued for the purpose of building, operating, extending and maintaining a water works system." Each of these questions must be approved by the voters before you can take any steps toward building a water works plant and levying a tax.

W. S. S. 609—The town of —— is planning on taking on electric lights for town and I want to ask you how many mills can we levy for light and how can we get the money if our levy is not sufficient.

You can levy seven mills for street lighting purposes where you buy current from a private company but I do not believe it is good policy to contract for light in excess of what a five mill tax will pay for. Your council should carefully consider the question as to how you are going to pay for the lights before you contract for the same. Electric Light Companies are inclined to preva-

upon towns to contract for more lights than they can reasonably pay for, and then the town is up against the proposition of paying so much money for street lighting. Understand this is a matter for your council to decide, but I have received so many letters from towns stating that they had difficulty in paying for their street lights that I feel that great care should be taken in entering a contract of this kind.

L. E. 610—When a town or city orders in a sidewalk or curbing and gutter, is it necessary for them to put such part of the street as the proposed improvement will occupy, to grade before they can compel the property owners to make the improvement?

The rule is different in regard to curb and gutter, and permanent sidewalk. To put in a curb and gutter, or a curb you proceed under section 792 code supplement and following sections. If you will read over this section you will note the following, "Provided that only so much of the cost of the removal of earth or other material as lies between the subgrade and the established grade shall be assessed to abutting property." Permanent sidewalks are ordered in under section 779 code supplement and the words in this section reads, "But the construction of permanent sidewalks shall not be made until the bed of the same shall have been graded so that when completed, such sidewalks will be at the established grade."

You will see from this that in both cases the general grading of the street must be done by the city. In the case of curb and gutter the cost of removing the earth occupied by the curb and gutter is a part of the cost of improvement while in the case of a permanent sidewalk the street must be graded and the earth removed, the place of which the sidewalk takes. The street as a whole must in a general way be brought to the permanent grade before either of these improvements can be ordered.

H. H. 611—Will you please give me your opinion on the following. Case No. 1 previous council provided by motion (not by ordinance) fixing their own salaries within the limits of 669-S. except the fees for board of review work being \$2.00 or double the amount so provided for.

1. Was this money so drawn illegally taken?
2. If so, must it be returned to the town treasurer?

3. This having been committed possibly through ignorance of the law, should it be regarded as a misdemeanor?

Case No. 2 present council again passed by motion provision of the same salaries as previous council. Roll call showed a divided house with attention being called to Section 669-S.

At a later meeting when legal opinions were presented, an ordinance was passed fixing the salaries of councilmen within the limits of 669 S. Ordinance reads, effective soon as published.

1. When does this ordinance become effective.

2. Can present council fix their own salaries. 677-C.

3' There having never been a legal salary fixed by either law or ordinance in the past, can the present council fix a legal salary for themselves?

Case 3 Councilman of present council presents bill for street labor performed by himself at his own direction.

Divided house orders bill paid after attention is called to 668-I4 S. Can this bill be legally paid out of the town treasurer. Should the councilmen voting in the affirmative be deemed guilty of a misdemeanor?

Section 669 does not specifically state that the salaries of councilmen in cities and towns shall be fixed by ordinance. This section does provide that the salaries in cities of the first class shall be prescribed by ordinance but states that in all other cities and towns, they shall receive not to exceed one dollar for a meeting and one dollar as a member of the local Board of Review. In my judgment, however, their salaries should be fixed by ordinance as this section does not specify the salary but simply fixes the limitation of not to exceed one dollar a meeting. Your council could fix the salary at fifty cents or twenty-five cents a meeting under this section.

Under section 677, code of 1897, the salary of any municipal official shall not be increased or diminished during his term of office, and this in my judgment would prohibit the councilmen from fixing their own salaries even under section 669, where no salaries had previously been provided.

Under these conditions I would say that the money for salaries of your councilmen had been illegally drawn and should be returned to the town treasury. Without question there was no criminal intent in this matter and in my judgment no criminal action could be sustained.

As before stated a council cannot fix their own salaries but under section 669 the council can fix a salary to be received by their successors. I do not believe that the present council can fix a legal salary for themselves, and the salary

ordinance passed by your council would become effective after the next election.

The law provides that a councilman shall not be interested either directly or indirectly in any contract or job of work to be done for the city or town. This provision has been passed on by the courts and if a councilman does work for the city or town he cannot collect pay for the same and if he has collected pay, the same may be recovered from him in a civil action brought by either the town or any tax payer. It might be possible that the councilman voting to pay a bill to one of the councilman for labor after attention had been called to section 668-14. S would be guilty of a misdemeanor on account of misappropriating public funds.

T. M. R. 612—Under the dog license ordinance you framed up for us last spring, can we collect license from those who keep their dogs up. There are some parties in town who keep hounds and claim they don't have to pay license as long as they keep them tied up.

Your dog ordinance is for a license to run at large. I do not think you can tax a dog if he is kept on the premises of his owner or not allowed to run at large. In my judgment, if the owner of the dogs you speak of, keeps the animals tied up or on his own land you cannot collect a license.

W. H. H. 613—Could you give me any advice in regard to vault and closets. We have several cases here where the closets need cleaning bad and the scavenger is here, the marshal has notified these parties but they refuse to have anything done. Can we have these cleaned and charge same to their account? There is one party who removed the closet to a new place and covered the old place which is not far from our town water. If the mayor orders these closets cleaned can expense of same be charged to taxes.

It depends on your ordinance or rules of the Local Board of Health as to how you should handle the cleaning of closets. If you do not have an ordinance or rule of the Board of Health covering this, I doubt very much if you can compel your people to clean them. If you have an ordinance or rule, you should comply with its provisions and if you do not have such ordinance or rule let me know how you want this to be handled and I will draw you up one. Without such ordinance or rule you certainly can no. order the closets cleaned and tax the same up to the property.

F. W. L. 613—We are about to contract for repairs on, our water tank and extension of mains. We have to replace our old wood tank with a new steel tank and the outlay will be something like \$5000.00 I wish to know if funding bonds can be issued for this amount without a vote of the people.

Section 1306 B Code Supplement provides that no municipal corporation shall become indebted to exceed one and one-fourth per centum of the actual value of the taxable property without complying with the provisions immediately following section 1306 B. From the last report, the actual value of your taxable property is given at \$555,000. One and one-fourth per centum of this would be \$6,938. You could therefore incur a debt up to \$6,938 without the vote of the people, but as you already have a debt of about \$3,000 this would only give you about four thousand dollars that you could borrow without a vote of the people.

REPORT ON PAVING BINDERS

BY BOSTON PAVING COMMITTEE

In response to your request that this committee consider and report upon all road binders, the committee respectfully transmits the following report:

The committee assumes that you refer particularly to bituminous binders, hence this report refers wholly to that class.

Specifications for asphalt have for several years been subject to dispute and are still a subject for study by expert chemists and engineers. No unanimous conclusion has yet been reached as to superiority of one type of asphalt over another. It may be said that there is not sufficient information at the present time to warrant universal condemnation or adoption of any type of bituminous binder. Both lake asphalt and residual asphalts have proven durable in many instances and the same is true of refined tar. On the other hand, each type of binder has proved unsatisfactory in some instances. The concensus of opinion among the committee is that the lake asphalt binders, as delivered, are more uniform in quality than the residual asphalts. Many good pavements have, however, been constructed with residual asphalt, and this leads to the conclusion that, with proper specifications, rigidly enforced, and with adequate inspection, proper results may be obtained with the use of

residual asphalt. The necessity for carefully prepared specifications and close inspection of residual asphalt is due in some measure to the multiple sources of the material and to the varying methods used by the many producers in preparing it for use as a road or pavement binder. All oil asphalts are residual products from the distillation of petroleum for the purpose of obtaining more valuable products, whereas lake asphalt is a product prepared exclusively as a pavement binder, which explains the more general uniformity of quality as compared with the residual asphalts.

It is the lack of uniform quality in the residual asphalts that lends justification to the use of the lake products where proper inspection cannot be obtained.

In the selection of binders there are important considerations other than the first cost the effect of which should be taken into account. Among these are:

The cost of necessary inspection and of the delays incident thereto.

Delays on account of the rejection of improper material and replacement with suitable material.

Promptness with which material is delivered.

Facilities of the dealers and skill of their employees in delivering and applying the material (in penetration work where contract is for furnishing and applying the material).

Experience in handling the material.

Thus it might occur that conditions might be such that the differences in first prices would be offset by the additional cost of the work, caused by the above suggested considerations.

The foregoing statements apply in general both to asphalt and tar binders.

It is recommended that paving work done by the city and the provisions and requirements of any guarantees relating to such work shall conform substantially to specifications adopted by the American Society of Municipal Improvements for granite block, wood block and bituminous pavements; for Portland cement concrete surfaces the work should conform substantially to the standard specifications of the American Concrete Institute.

Don't forget the League convention at Dubuque, September 19, 20 and 21. You will certainly enjoy it.

Advantages of Preferential Voting

By Lewis Jerome Johnson, Harvard University

The double election system in use in Des Moines, Los Angeles, Seattle, Tacoma, Lawrence, Mass., and many other cities, may elect any candidate from the best to the next to the least acceptable of the strong candidates. Of the two men selected in the primary both may be unacceptable, but the final election will reject the less acceptable of the two. It is the raw plurality system but thinly disguised by the burdensome doubling of elections.

The ordinary state primary may elect any from the best to the very least acceptable of the strong candidates. The worst candidate of any party may emerge from the primary with a plurality, and if his is the strongest of several parties, he may get the final election by a plurality. It is the old plurality system, somewhat sobered, perhaps, by partisan self-interest.

The old plurality election, without primaries, as in Boston, may elect any from the best to the least acceptable. It may deliberately be characterized as the most hazardous system of public elections known.

In all three of the foregoing cases a bad matter is made worse by the fact that the imperfections of the systems, and the burdensome nomination or campaign conditions which they involve, are great obstacles to getting the best of citizens to accept a nomination.

The preferential ballot under normal conditions elects the best or one of the best of the candidates; moreover, the improved campaign conditions which go with it tend to attract good candidates into nomination. This statement, of course, presupposes the usual case in which the primary is eliminated. The advantage of the preferential ballot over all other forms of election procedure is clear and sharp. Experience alone will teach us into how large a voting unit we may care to push it. The case for its use in large cities seems already to be made.

But even with the preferential ballot in vogue, a neglect to nominate a candidate of majority magnitude might enable an antimajority man to

win. No election procedure can be expected to be either apathy-proof or fool-proof. The best we can do is to minimize the chances for harm.

Whatever the election procedure, good publicity conditions and good initiative, referendum and recall provisions, by hedging the office about with wholesome restraints, are good supplements to any election system. They deter bad candidacies and reduce the harm if a bad candidate should slip past the election.

The chief advantages of the Bucklin system of preferential voting may be restated and summarized as follows:

1. It permits the abolition of primaries without interference with the democratic and rational method of nomination by a very small number of petitioners.
2. It permits the nomination of a large number of candidates with practical elimination of the danger of the split ticket.

3. It fosters campaign methods which greatly reduce the difficulty of getting high-grade men to stand for office. It minimizes the unattractiveness of the campaign and effectively discourages "mudslinging"—the candidate who might otherwise descend to slander of his opponents is deterred by fear of alienating second or other choice votes which might come his way. The competition between nominees, while keen and searching, is neither burdensome nor invidious. While it is a great honor to win, it may be no dishonor and no disappointment to lose. The best nominees may well accept nominations in the spirit of friendliest rivalry and work for the election of any one of a group of their fellow nominees quite as much as for themselves, and perhaps even more earnestly. The responsibility on any one nominee to win may become so slight that a man may accept a nomination in the midst of an absence from the state which is prolonged till after election day and still be elected. This actually happened when the president of the Spokane Chamber of Commerce was thus elected in 1911 as one of a commission of five to a four-year term, and from a

list of 92 nominees for the commission. Other results in preferential voting cities show that the voters are quick, as might be expected, to elect a better grade of officials as soon as they are brought within their reach.

4. It is believed to be the safest known means of election for protecting the majority interest against machine or special interests. It can not, of course, insure a majority for the winning candidate—no system of voting can do so in any proper sense—but, in case no one running is widely and favorably enough known to command a majority in a free, open expression of choice, it offers a greater likelihood than any other known procedure that the winner will be of a type loyal to the majority interest, rather than to any machine or special interest.

5. It greatly simplifies the supremely important problem of securing high-grade, nonplace-hunting, and competent elective officials. The reasons are suggested in the two preceding sections, but this advantage is important enough to warrant separate emphasis.

6. It is simple, practical, attractive to voters, and an already operative institution under widely varying American conditions.

So long as we retain primaries they should clearly include the preferential ballot, as is already demanded in New Jersey by all three of the chief parties. In Massachusetts one already hears free predictions that the primary, even for state officials, is as doomed as it is in cities. Lack of interest in the primaries gives added force to this suggestion. Nomination by petition and the preferential ballot would seem to be as suitable for the election of a governor as of a mayor or commissioner; but the short ballot should be part of such a system in state politics as it also should be and usually is in city government.

It certainly looks as if the way to mend the primary is to end it, not as a reactionary step but further forward to a simpler, safer, and still more effective instrument of democracy—the Bucklin preferential ballot.

NO SELF-DEFENSE FOR A DOG

In an action for personal injuries from the bite of a dog it is sufficient proof of vicious propensity to show that the dog has had his first bite even though the biting be done to protect itself.

Plaintiff, appellant, who was defendant below in *Tubbs v. Shears*, 155 Pacific Reporter, 549, admitted that he knew his dog had attacked one Hunt prior to plaintiff's alleged injury, but contended that it was a disputed question as to whether the dog was justified in its attack and that the jury should have been allowed to determine this and also whether knowledge of such circumstance was sufficient to constitute notice of the dog's vicious character.

Commissioner Galbraith speaking for the Supreme Court of Oklahoma says: "Under the law it was not a question for the jury to determine as to whether the dog was justified in biting Hunt, since self-defense is not justification for a dog bite, but the fact that the defendant knew that this dog had bitten Hunt was sufficient to charge him with notice of the vicious character of the dog, and to render him liable to any one suffering harm on account of the dog. The rule is announced as follows:

"The law clearly recognizes a right in the owner of a vicious dog to keep it for the necessary protection of life and property. But as such a creature is inherently dangerous, one assuming to exercise the right to keep it does so at his own risk, and is held strictly liable for any harm resulting to another."

The court holds further that negligence in its ordinary sense is not the ground for liability in such case. "It is the keeping of the animal, with knowledge, either actual or constructive, of its dangerous or vicious propensities, which creates the liability. *** Nor is it necessary that the dog's disposition or peculiarity be such as to render it liable to or inclined to bite all with whom it comes in contact; it being held in a number of cases that, if the dog had bitten one person prior to the injuries sued for, knowledge thereof is sufficient notice of his character to bind the owner. *** In the old case of *Smith v. Pelah* (2 Str. 1264), which has never been departed from, Lee, C. J., 'ruled that if a dog has once bit a man, and the owner having notice thereof keeps the dog, and lets him go about or lie at his door, an action will lie against him at the suit of a person who is bit, though it happened by such person's treading on the dog's toes; for it was owing to his not hanging the dog on the first notice. And the safety of the king's subjects ought not afterwards to be endangered.' "

Tax Maps for Assessors

By Edward L. Heydecker Assistant Tax Commissioner, City of New York

Whenever the subject of assessment of real estate for purposes of taxation is considered, whether it be in addresses on the subject or in reports of tax commissioners, or in conventions called for the purpose, it will be found that by far the greater part of the discussion is directed to the review of assessments, after they have been made by the local assessor. The work of the local assessor is little considered and if considered at all, usually comes in for denunciation, rather than for praise. The thought of improving the tools of the assessor, of providing him with better means and instruments for doing his work, rarely gets any consideration.

We have built from the top down. We should reverse this process and build from the bottom up. It is all right to provide for publicity of the work of assessment and to afford every means to correct errors and safeguard the tax payers against inequality, but it is of even greater importance to provide the assessor with the means of doing his work accurately in the first place.

Primarily, the tools of an assessor are his map, his field book and his assessment-roll. He needs all three and most of all he needs a map. He can provide himself with a field book and an assessment-roll, but only in exceptional cases can he prepare his own map. Yet, without the map, his field book, even if it be kept most diligently, must be largely meaningless and his assessment-roll will show on many pages the omissions and inaccuracies which can be guarded against only by a map. But, in the State of New York, we have tax maps in only a few of the larger cities and in a few of the progressive villages.

By chapter 315 of the Laws of 1911 we have changed the form of our assessment-roll and have introduced changes in the methods of assessment which make it all the more important to have a proper tax map. Heretofore the assessment has been against the owner of the land; from now on it is to be against the land itself. The old distinction between resident and non-resident owners is gone. The name of the owner hereafter

forms no part of the roll and is to be continued and used merely as an aid to identify the parcel assessed, so that the need of an accurate description of the land is now a matter of importance and to get an accurate description we must have a map.

No one will deny the great advantage of a tax map. It is self evident. But the cost of tax maps has always been urged against any proposal to provide them. This idea of large cost, however, arises because the only map which has been considered, has been a map based on an accurate and elaborate survey, made by some competent surveyor. Necessarily, such a map is expensive. But can we not obtain a servicable tax map that will not be expensive?

Cities and villages present conditions totally different from the rural conditions in the town. Values are enormously greater in urban communities. Feet and even inches count and may be measured by hundreds or thousands of dollars in value. Accuracy is needed in urban maps and every city and village should be required by law to provide an accurate map of its entire area made by a competent surveyor from an actual survey for the use of its assessors. If a city or village has not such a map it is treating its taxpayers unfairly and the burden of taxation is not evenly distributed. The change in the form of the assessment-roll applies to cities and villages as well as to towns. Assessment hereafter will be against the land and in all the cities hereafter the value of the land without building value is to be separately stated on the roll and also the total of land and buildings; so that the necessity for a land map is even greater in the cities than in the towns.

NO ADVANTAGE

"You say your husband is deaf?"

"Yes, but he can read lip language. I can't call him mean things. Just have to think them, the same as any other wife."

THE EXPERIMENT ZONE

Traffic near a town is normally heavier than that upon strictly rural portions of the same highway. Yet how often, in passing through the outskirts of an American city or village, do we pass over an old, narrow, worn pavement, near the town, in order to reach a broader and more modern improvement at a thickly settled area!

Public improvements reflect the sentiment behind them. In the kind of case cited, the sentiment might seem to be simple stupidity, but it is not. The spirit is one of confidence gained through experiment.

Somebody starts hollering for good roads. Enough people finally listen to insure a trial of his theories. Where shall the start be made? On the most traveled road leading out of town. How much shall be built? About a mile. How shall it be built? As cheaply as possible. Even this poor experiment argues more loudly for a good road policy than any vocal advocate was able to do. As a consequence, in a few years, everybody is for good roads, not makeshifts either. The question of where brings an answer—everywhere. The question of methods is answered, "Make them as good as possible."

The demand for mileage forbids tearing up experimental pavement and replacing it with new. Every foot of new pavement must be an additional foot. And so it happens that traffic so often struggles through a nine foot web of ruts and patches to reach the modern highway that starts a mile from town and ends, perhaps, in the experimental highway frontier of some other city. Experience with narrow, cheap highway improvements never creates sentiment for narrower or cheaper ones; always for broader and better pavements.—Dependable Highways.

whereby municipal corporations are made liable for the ministerial as distinguished from the purely governmental acts of their employes. The driver of a wagon used in street grading work negligently allowed it to collide with a street car. The conductor sustained a slight injury, which later caused lockjaw, resulting in his death. The trial court directed a verdict for defendant on the ground that the act of the city employe was a governmental function.

The Virginia Supreme Court of Appeals, in reversing the judgment of the lower court, Judge Harrison delivering the opinion, held: "The weight of authority sustains the view that the work which the city was doing in the instant case was not of such a character as to exempt it from liability for the negligent acts of its servants and employes. In grading and improving McDonough street the city was not discharging a governmental function, but was merely performing a ministerial duty, which afforded it no immunity from liability for its negligence."



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LIABILITY OF CITY FOR NEGLIGENCE OF EMPLOYEE

The case of Jones, Adm'r, v. City of Richmond, 88 Southeastern Reporter, 82, affords an interesting example of the application of the rule

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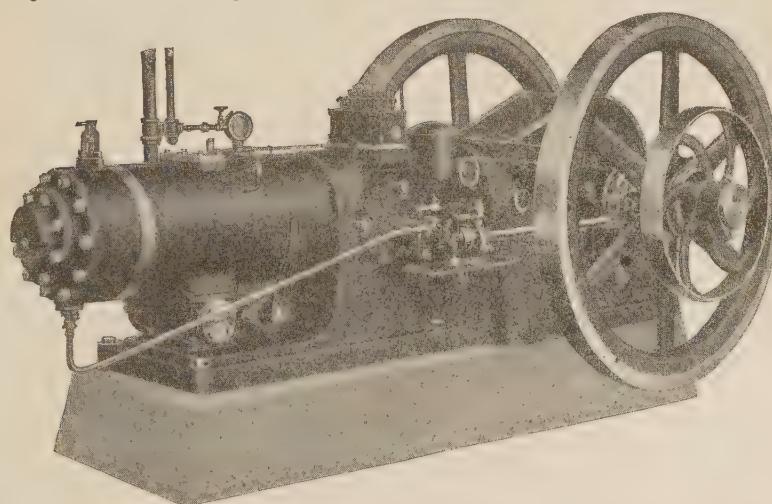
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WANTED—Second hand 10,000 to 16,000 gallon storage tank for gasoline. Lock box 235 Sheldon, Ia.

FOR SALE—Seven gasoline street lamps three of which are practically new, will sell cheap as have installed electric lights, write for information. O. R. Rowley, Town Clerk, Swea City, Iowa.

FOR SALE—Having recently installed a complete waterworks system the town of Monona, Iowa, has a good 2 cylinder chemical engine for sale cheap. H. S. Rittenhouse, Town Clerk

FOR SALE—Having recently made arrangements with a neighboring town to furnish electric current for lighting and power. The town of Shelby offers for sale a Gas Lighting Plant, complete in good running order will sell at a bargain, as the town has no use for it, address all communications to town clerk of Shelby, Iowa.

FOR SALE—The incorporated town of Milford has for sale 1 Davis carbide feed acetylene gas plant in perfect condition. Model B generator 75 pound capacity, 23 burners with fixtures. 150 feet $\frac{1}{2}$ inch pipe. Will sell at a sacrifice. For information write J. E. Shelledy Clerk, Milford, Iowa.

FOR SALE—Six gasoline street lamps in good working order, will sell cheap as have installed electricity. Write for information to J. J. Hamilton, Town Clerk, Epworth, Iowa

FOR SALE—"The city of Oskaloosa, Iowa has for sale one Studebaker Pneumatic street flusher, one team of gray horses, two sets of harness, one patrol wagon, one fire wagon; all in good condition. The flusher has not been used very much. Our reason for selling is that we are motorizing the entire police and fire department. Make us an offer." T. H. Carlin, City Clerk

FOR SALE—One 8 horse power R & V engine. One air compressor. One pressure tank 24x5 $\frac{1}{2}$ feet. 54 lamp posts. 20 Sprague meters. 40 Tin meters. C. F. Hoover, Clerk, Brighton, Iowa.

FOR SALE—The city of Ames, Iowa has for sale one 75 kw 1100 volt 3 phase 60 cycle Westinghouse generator and exciter direct connected to 14x14 300 R. P. M. Ideal Steam Engine now connected to steam line and in operating condition. Address Chas. E. Warsaw, Manager.

FOR SALE—Having completed arrangements with a neighboring city to furnish our electric current we offer the following at a bargain. One 25 horse power special electric Fairbanks Morse Engine. One 20 K. W. Peerless Generator. 60 Amp. hour battery and switch board instruments. Everything in good condition. Address Town Clerk, Hudson, Iowa

FOR SALE—Two 2-horse double 50-gallon tanks and one either 2-horse or hand drawn 100 gallon chemical fire engine. Champion make, and in good condition. Inquire Chief Kellogg, fire station No. 1 Sioux City.

FOR SALE—One double cylinder Bates & Edmonds 35 horse power gas engine for running dynamo in good running order at a bargain.—Henry A. Barker, City Clerk, Fredericksburg, Iowa.

FOR SALE—The city of Colfax, Iowa, offers the following: Two National steam pumps capacity 500 gallon per minute equipped with Mason Regulators. Two boilers tested to carry 85 pound pressure. One Cameron pump 5 H. P. One National pump 5 H. P. This equipment is in good condition. Will sell all or part. If interested write for further particulars or call and inspect.—H. F. Cassidy, City Clerk.

WANTED—Hand hose cart that will carry 500 feet of hose. Parties who have such a cart for sale give full particulars on the cart and the price wanted, address Henry Graaff, City Clerk, Bellevue, Iowa.

WANTED—A hook and ladder truck for light work, hand drawn. A. H. Steil, Mallard, Iowa.

FOR SALE—Two twenty gallon Seagrave chemical tanks complete. E. T. Austin, Marshalltown, Iowa

FOR SALE—Dean Steam Duplex Fire Pump 14 inch steam cylinder, 8 $\frac{1}{2}$ inch water cylinders, in good condition, price \$400.00. E. C. Smith, Clerk, Town of Bonaparte.

FOR SALE—One two-horse hose wagon, capacity 1,000 feet 2 $\frac{1}{2}$ inch fire hose. C. J. Duff, City Clerk, Council Bluffs, Iowa.

FOR SALE—18 horse power Watrous fire engine, good as new, complete with 30 foot 4 inch suction hose, same being replaced by high pressure water system. Write or wire at once, for full particulars. Russell E. Whipple, chief, fire department. Lehigh, Iowa.

FOR SALE—Forty gallon chemical carts for small cities and towns and three gallon hand chemicals for stores factories etc. Write for catalogue and prices Municipal Supply Company, Marshalltown, Iowa.

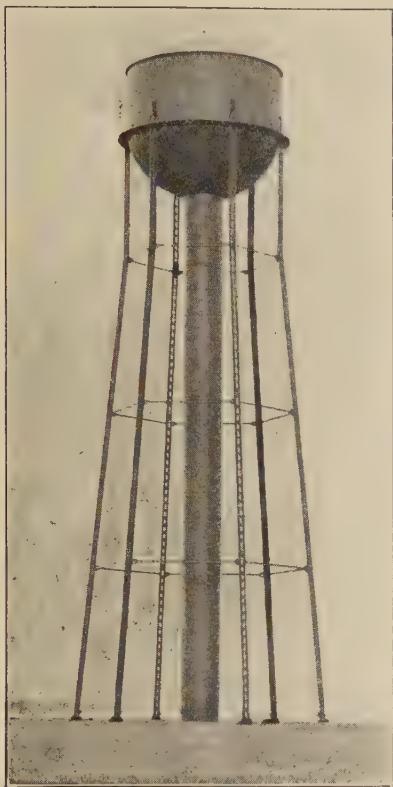
FOR SALE—The city of Fairfield, Iowa has to offer for sale an 8x8, single stage, Deleval Centrifugal pump and 25 H. P. motor in connection, both in practically new condition. The speed of pump is 1800 revolutions per minute. Address for particulars, City Clerk, Box 2 Fairfield, Iowa.

FOR SALE—Fire horses, harness and hose wagons for sale. If interested in any part or all of the above equipment, please confer with Fire Chief Denger or purchasing agent Pollard, city of Davenport, Iowa.

WANTED—One second hand tank to hold 8,000 or more gallons of oil.

FOR SALE—The city of Fort Dodge is contemplating the equipping of its fire department with motor apparatus. On this account we have for sale; one horse drawn hook and ladder wagon with extension ladders; two combination chemical and hose wagons, capacity of 1,000 feet of 2 $\frac{1}{2}$ inch hose; one police patrol wagon; two exceptionally good teams well broke for fire or police service. Will sell any part or all of this equipment. If interested write W. L. Tang, City Clerk, Fort Dodge, Iowa

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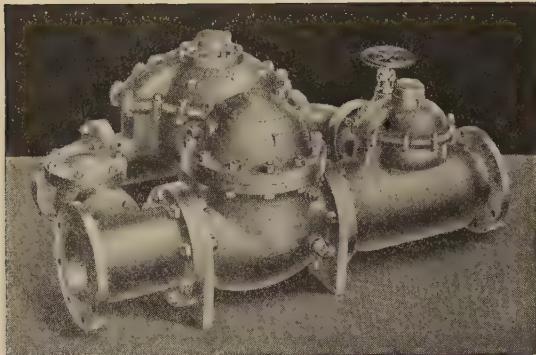
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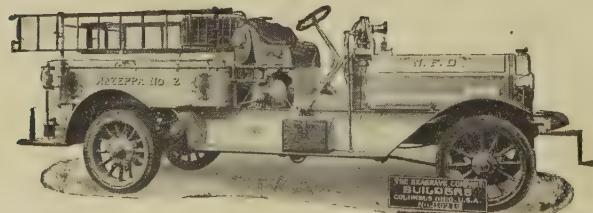
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